

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

In the Matter of the Appeal of

ROBERT & VERONICA CROSS, et al.

FILE NO. W-77-017

from an environmental determination  
of the Superintendent of Buildings

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

Introduction

The appellants, Robert & Veronica Cross, et al., filed an appeal from a declaration of non-significance prepared by the Superintendent of Buildings, hereinafter Superintendent, with regard to a proposed action to change the use of an existing building from a single-family residence to a church at 6601 N.E. Windermere Road.

The appellants exercised their right to appeal pursuant to Section 20, Ordinance 105735.

Parties to the proceeding were: Cal McCune, representing the appellants, Ross Radley, representing the Superintendent, and Jon Schneider, representing the Unification Church.

This matter was heard before the Hearing Examiner on September 28, 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 Holy Spirit Association for the Unification of World Christianity, hereinafter Unification Church, filed an application for a change of use permit from a single-family residential use to a church use for property located at 6601 N.E. Windermere Road. A maximum of 49 persons are anticipated to attend church services. Not more than 8 clergy and staff persons, in addition to a groundskeeper and cook, would reside on the premises. Some minor interior remodeling may occur on the site in order to comply with building and other codes.

2. The existing structure is a large older single-family residence with a basement plus three stories that would basically be preserved in its present condition. The living room on the first floor would be used as a nave for the church. Ten off-street parking spaces are provided on site. Access to the site is provided by a narrow (12 foot wide) gravel driveway that the Unification Church proposes to surface in the near future.

3. The subject property is located in the Windermere area of the city and near the Lake Washington shoreline. The area is zoned Single Family Residence Low Density (RS 9600) and is developed exclusively with single-family residential properties. Under the zoning code a church is an outright permitted use in the RS 9600 zone.

4. A declaration of non-significance prepared by the Superintendent was filed with the SEPA Public Information Center on July 27, 1977. The Superintendent found that the subject proposal had been determined to not have a significant adverse impact upon the environment and that an environmental impact statement was not required.

5. On August 9, 1977, the appellants filed a timely appeal alleging that the proposal would have a significant adverse impact upon the environment and that an environmental impact statement should be prepared. The appellants have challenged several items in the environmental checklist which will be considered in the following paragraphs.

#### Air

6. The checklist (item 2) states that the proposal may result in air emissions or deterioration of ambient air quality. It is also noted in the checklist that the vehicles passing over the gravel driveway generate dust. Any decrease in air quality will be as a result of the increase in vehicular traffic to and from the site, especially during peak times during the weekends.

#### Noise

7. Under noise (item 6) it is acknowledged that there may be an increase in the existing noise levels. It is noted in the checklist that the increase in traffic and outdoor recreation activity will generate additional noise. The record shows that noise from increased traffic, especially during the late night hours, and occasional recreational activities on the weekend have disturbed neighboring residents.

#### Transportation and Circulation

8. It is disclosed in item 13 that the proposal will result in the generation of additional traffic, that it may alter present patterns of circulation and that it may increase traffic hazards to motor vehicles, bicyclists or pedestrians. Mr. McDevitt of the Unification Church modified the information on traffic contained in the checklist to provide that the vehicle movement would consist of 12 to 16 arrivals or departures in a normal 24 hour period and 12 to 24 on Sunday.

#### Public Services

9. The checklist (item 14) states that the proposal will not have an effect upon or result in a new or altered governmental services.

#### Population

10. Item 11 of the checklist states that the proposal will not alter the location, distribution, density, or growth rate of the human population of the area.

#### Conclusions

1. The determination of the Superintendent, pursuant to Ordinance 105735, in issuing a declaration of non-significance is regarded as prima facie correct. The appellants have failed to meet their burden and establish the incorrectness or inadequacy of the Superintendent's determination.

2. One of the primary purposes of the State Environmental Policy Act (SEPA) is to require the City to consider environmental factors when taking "major actions significantly affecting the quality of the environment". RCW 43.21C .030(2)(c). In stating a general guideline as to when an environmental impact statement is required the Washington Supreme Court in Norway Hill vs. King County Council, 87 Wn. 2d 267, 552 P.2d 674 (1976) stated:

Generally, the procedural requirements of SEPA, which are merely designed to provide full environmental information, should be invoked whenever more than a moderate effect on the quality of the environment is a reasonable probability (citing case).

3. The record in this case has been reviewed in light of the standard established in Norway Hill v. King County Council, *supra*. The Unification Church plans to convert a large existing single-family residence into a church with only very minor physical changes in the building and grounds. Other than the type of activities generated by the church use the property will be indistinguishable from other large single-family properties in the area. The use of the site on a weekly basis by a maximum of 49 persons at one time with the attendant traffic and noise has been disclosed in the environmental checklist. The record indicates that the activity generated by the proposed church use will be disturbing to the adjacent neighbors quiet enjoyment of their property.

4. After reviewing the evidence in this case, it is concluded that the effect of the church use on the neighboring properties will not be negligible but that the impacts are certainly less than moderate. It is clearly shown in the record that there will be negative impacts on the nearby neighbors but the impacts are not of such intensity or magnitude as to require a detailed environmental analysis in the form of an impact statement.

5. The Supreme Court has held that the record of a negative threshold determination by a governmental agency must show that environmental matters were considered in a manner sufficient to result in *prima facie* compliance with the procedural requirements of SEPA. Sisley v. San Juan County, 89 Wn.2d 78(1977). The record clearly demonstrates that the Superintendent conducted an independent review of the environmental checklist and complied with the procedural aspects of SEPA.

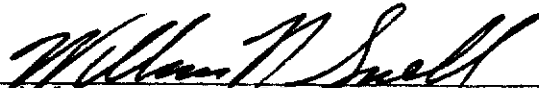
6. The purpose of SEPA is to provide full disclosure of environmental impacts so that government bodies will have adequate environmental information to consider in making decisions. However, a detailed environmental analysis (impact statement) is not required in every case. The type of impacts anticipated in this case are not the type which have generally led to the requirement of an impact statement. In Norway Hill v. King County Council, *supra*, an impact statement was required where the project involved 52.3 acres of heavily wooded land and the establishment of 198 lots for the construction of single-family dwellings. An impact statement was required in Swift v. Island County, 87 Wn.2d 348, 552 P.2d 197 (1976) where the proposed residential development would conflict with nearby wildlife, historic and recreational uses. The fact that a proposal is not large in scope does not mean that an impact statement would not be required but the above cases do illustrate the type of general situations in which impact statements are required. Based on a review of the record, the impacts that would result from approval of the subject proposal are not "significant" as that term is defined by case law. Therefore, no environmental

impact statement is required.

Decision

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

Entered this 14th day of October, 1977.

  
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William N. Snell  
Hearing Examiner

Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination and any further appeal must be made to the courts.