

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

In the Matter of the Appeal of

CARKEEK-BROADVIEW HOMEOWNERS ASSOCIATION

FILE NO. W-77-020A

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 organization, the Broadview-Carkeek Homeowners Association, filed an appeal challenging the adequacy of the Final Environmental Impact Statement (EIS) prepared by the Department of Community Development with regard to the Carkeek Estates Rezone and Planned Unit Development.

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

Parties to the proceeding were: the appellants, represented by Gust Doces, the Department of Community Development, represented by Ross Radley, and the project developer, represented by Peter Buck.

This matter was heard before the Hearing Examiner on October 4, 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 project developers, Ronald A. Comin, John Cheng, and James C. Comin, propose to rezone from Single Family Residence Low Density (RS 9600) to Single Family Residence Medium Density (RS 7200) a 5.95 acre area. In addition, the construction of 42 condominium units in groups of 2, 4 and 8 is proposed which would require a planned unit development approval. The proposed development site is located primarily south of the unimproved right-of-way of N.W. 114th and N.W. 115th Streets between 3rd Avenue N.W. and N.W. Carkeek Park Road. A portion of the proposed planned unit development is located north of the unimproved right-of-way of N.W. 115th Street and west of 3rd Avenue N.W.

2. The change in zone classifications from RS 9600 to RS 7200 will require a public hearing before the Hearing Examiner and final approval by the City Council. A planned unit development application also requires the approval of the City Council.

3. The Department of Community Development, which is the lead agency, submitted a declaration of non-significance with regard to the proposed project. In a decision dated

February 9, 1977, the Hearing Examiner reversed this determination and required the preparation of a new threshold determination. The Department of Community Development concluded after a further review of the record, that an EIS should be prepared. The Final EIS was issued on August 19th, 1977. The appellant on September 2, 1977, filed an appeal challenging the adequacy of the Final EIS. The following paragraphs will consider specific issues raised by the appellant on appeal.

Traffic Considerations

4. The Draft EIS on page 14 contains a discussion of traffic considerations. It is estimated that there would be an increase of traffic on 3rd Avenue N.W. by about 1 or 2%. A 600 foot sight distance would be provided for traffic on 3rd Avenue N.W. entering the development, which is an adequate distance to permit safe stopping. Several residents of the area testified as to their personal observation as to the heavy traffic along 3rd Avenue N.W. and potential access problems to the site due to left turns from 3rd N.W.

Hydrology Report

5. Appendix C of the Final EIS contains a hydrology report prepared by Paul R. Weber, a professional engineer. The hydrology report contains a detailed analysis of potential runoff problems and concludes that there will be some increase in runoff as a result of the development but that the runoff problems can be met with a conscientious drainage plan. The appellant alleges that runoff would be greater than presented in the EIS.

Aesthetic Impact

6. The appellant alleges that the project would be incompatible with the low density character of the area and aesthetically objectionable since nearby residents look down on the site due to the ravine configuration of the area. The Draft EIS at page 13 contains a discussion of the nature of the development and the proposed densities.

Property Values

7. The Draft EIS at page 15 contains a discussion of property values. The appellant has challenged the validity of the analysis.

Conclusions

1. The determination of the Department of Community Development, pursuant to Ordinance 105735, that the EIS is adequate is regarded as prima facie correct. The appellant has failed to meet its burden and establish the inadequacy of the EIS.

2. With regard to traffic considerations, the EIS contains a full discussion of the potential increase in traffic and the need to provide adequate access. The appellant has shown that traffic hazards in the area along 3rd Avenue N.W. may be greater than disclosed in the EIS but this is a matter of degree rather than a failure to disclose and analyze an impact. The analysis in the EIS is sufficiently thorough to alert the decision makers to potential traffic problems.

3. With reference to the hydrology report, aesthetic impact and property values, the EIS contains a reasonable analysis of these topics. The EIS could in many instances have provided more information and in a less technical

format but the essential point is that the potential impacts were disclosed and a reasonably thorough analysis provided.


4. The test for judging the adequacy of an environmental impact statement is the rule of reason. Cheney vs. Mountlake Terrace, 87 Wn.2d 338 (1976). In essence, then, "the court's task is to determine whether the EIS was compiled with objective good faith and whether the resulting statement would permit a decision maker to fully consider and balance the environmental factors." Sierra Club vs. Morton, 510 Fd.2d 813, 819 (1975). Based on a review of the record, the EIS contains a reasonably thorough discussion of the environmental impacts as required by SEPA.

5. The decision in this matter that the EIS is adequate is not a substantive decision on the merits of the proposed project. At the time the rezoned and planned unit development applications are considered the decision makers will have before them the EIS, which will require the consideration of environmental factors. If the decision makers should decide to approve the proposal, they will also have sufficient information available to impose conditions where necessary to mitigate potential adverse environmental impacts.

Decision

The appeal is DENIED.

Entered this 20th day of October, 1977.



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.