

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

In the Matter of the Appeal of
CONCERNED CITIZENS OF GEORGETOWN

FILE NO. ^W~~7~~-78-005

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 appellants, Concerned Citizens of Georgetown, filed an appeal from a declaration of non-significance prepared by the Superintendent of Buildings, hereinafter, Superintendent, with regard to a proposal to demolish four single-family residences and to construct a machine shop at 6400-30 Corson Avenue South.

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

This matter was heard before the Hearing Examiner on April 6, 1978.

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 proponent, Gail E. Gaskill, proposes to construct a concrete tilt-up machine shop containing approximately 10,000 square feet. The walls of the structure will be concrete 6 inches thick. The structure will be 28 feet in height and have a generally flat, although somewhat sloping roof. Off-street parking for 33 vehicles will be located on the site.

2. The subject property is presently developed with four single-family dwellings that are in various stages of deterioration. The subject property is located in an area that was recently rezoned from duplex residential (RD 5000) to General Industrial (IG). A machine shop is permitted outright in the IG zone but must be separated by 100 feet from any lot in a residential zone pursuant to Sections 19.23(a) and 20.21(a), Ordinance 86300, as amended. Variances were conditionally granted by the Hearing Examiner on May 13, 1977, from the 100 foot distance requirement. On appeal to the Board of Adjustment the restriction to require a 20 foot yard along the eastern margin was deleted.

3. A declaration of non-significance, prepared by the Superintendent, was filed with the SEPA Public Information Center on February 2, 1978. The Superintendent determined that the proposal would not have a significant adverse impact upon the environment and that an environmental impact statement was not required.

4. On February 16, 1977, the appellant organization 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.

Noise

5. The checklist (Item 6) states that the proposal will increase existing noise levels. Under the explanation it is stated that the noise levels will be increased slightly during construction due to truck deliveries of construction materials. The appellants allege that this evaluation is insufficient since the additional noise impact of the machine shop itself is not considered. On page 2 of the DNS, the Department states that noise levels are not expected to be significantly increased in the adjacent residential zone as a result of the proposed project and that landscaping, buffering space, will mitigate and reduce the significance of the noise impacts. The Department referred the matter to the Seattle-King County Health Department for an evaluation of the noise impact and that report (Superintendent's Exhibit C) indicates that the proposed machine shop would pose no noise problem for the surrounding area.

Land Use

6. The checklist (Item 8) states that the proposal will result in the alteration of present or planned land use for the area. It is noted in the comments that the property has recently been rezoned from RD 5000 to IG. The appellants allege that this is insufficient since it does not analyze the implications of future land use by allowing industry to expand into the primary remaining residential neighborhood in the area.

Population

7. In the checklist (Item 11) it is stated that the proposal will alter the location, distribution, or growth rate of the population of the area. Under the explanation it is noted that four families have already moved from the area and that employees of the applicant will move from the existing facility across the street to the proposed facility. The appellants allege that this is an inadequate consideration of the impact of the industrial expansion on the population of the area.

Housing

8. In the checklist (Item 12) it is stated that the proposal will affect the existing housing or create a demand for additional housing. It is noted in the comments that four vacant residences will be removed from the housing stock. The appellants allege that the proposed type of development discourages landlords from maintaining their residences and encourages a general decline in the housing stock in the neighborhood.

Transportation

9. In Item 13 of the checklist it is stated that there will be a generation of additional vehicular movement and that there may be alterations to present patterns of circulation. The appellants allege that there has been a failure to consider the additional traffic of workers and customers to the new facility.

10. The appellants also allege that the notice in this situation was inadequate and did not meet the requirements of Ordinance 105735.

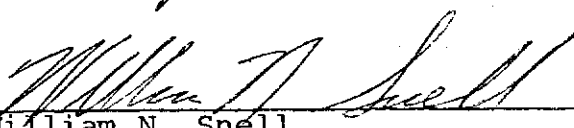
Conclusions

1. A determination of the Superintendent pursuant to Ordinance 105735 in issuing a declaration of non-significance is regarded as correct on its face. The appellant organization has failed to meet its 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 Norway Hill v. King County Council, 87 Wn.2d 267, 552 P.2d 674 (1976), the court stated that the procedural requirements of SEPA, which are designed to provide full environmental information, are to be invoked whenever more than a moderate effect on the quality of the environment is a reasonable probability.
3. The record in this case has been reviewed in light of SEPA and the applicable court interpretations. The subject property is part of a large IG zone and residential use is not well-suited in this zone. The relatively small scale of the project and its location on a corner lot bordered by two streets further reduces its impact on the nearby residential properties. In summary the project is not of such magnitude or intensity to have a significant effect on the quality of the environment.
4. The declaration of non-significance provides a full disclosure of the anticipated impacts and adequate as well as actual notice of the right to appeal was provided.
5. It is recognized that the Concerned Citizens of Georgetown have expressed their opposition to further industrial expansion into the remaining residential areas. The proper forum in which to raise these issues and concerns is when rezones are proposed. In this case the property in question is zoned industrial and the record shows that the proposal does not require the preparation of an environmental impact statement.

Decision

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

Entered this 21st day of April, 1978.


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.