

## FINDINGS AND DECISION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

CONCERNED CITIZENS OF SOUTH PARK

FILE NO. W-78-022

from an environmental determination  
of the Superintendent of Buildings

The appeal is DENIED and the decision of the Department of  
Buildings is affirmed.

#### Introduction

The Concerned Citizens of South Park, appellant, filed an appeal from a declaration of non-significance prepared by the Department of Buildings with regard to the proposed action to construct a warehouse of five buildings at 301-29 and 401-05 South Cloverdale Street.

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

Parties to the proceeding were: Grace Easton, chairwoman, Concerned Citizens of South Park, J. Clifford Portman for the Department of Buildings, represented by Gordon Crandall, city attorney, and John V. Farrell, proponent, represented by Richard Chapin, attorney at law.

This matter was heard before the Hearing Examiner on December 28, 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 proponent proposes to construct a warehouse complex of five buildings to be rented for general warehouse purposes on ten acres of land east of State Highway 509, south of South Cloverdale Street and north of South Trenton Street. The subject property is currently hard surfaced and used for truck and bus parking and storage.

2. On November 13, 1978 after reviewing the environmental check list, plans and file, making site inspections, consulting with the proponent and the engineering department, requiring plan corrections and revising the checklist, the Department's representative issued and filed a declaration of non-significance (DNS).

3. The appellant filed the instant appeal November 28, 1978. Issues at hearing were limited to the proposed action's affect on (2) Air, (6) Noise, (8) Land Use and (13) Transportation/Circulation, and the answers to background questions (10) and (11) of the checklist.

4. The complex would have 276 parking spaces. The environmental analyst assumed that up to 600 trips per day could be generated by the proposed complex. The site would be hardsurfaced except for areas of landscaping.

5. Air quality in the area of the proposed action is low. The site is part of the area designated as a non-attainment area because its level of suspended particulates is higher than that allowed by federal regulations. The residents of the area have also experienced a higher percentage of lead and arsenic in their blood than persons who live near Kirkland and many have chronic upper and lower respiratory conditions which they link to various air pollutants. Any incremental increase in lead in the air from the burning of fossil fuels is not expected to be measurable.

6. Additional pollutants can be expected to be emitted from the proposed warehouse use by emissions from motor vehicles and space heating systems. The warehouse use is considered to have less air pollution potential than other IG uses.

7. The automobile is not considered a primary contributor to suspended particulates in the air.

8. The noise level in the area of the subject property is high because of traffic, industrial uses and the airport. The proposed use can be reasonably anticipated to add vehicular noise from passenger cars, small trucks and loading and moving equipment. The environmental analyst concluded that added noise would be proportionately minor.

9. South Cloverdale Street is a major arterial with a traffic level of approximately 14,100 in 1973. It is reasonable to assume that volume on that street has increased since that time. The proposed complex would add to the traffic volume on Cloverdale. The City's traffic engineers advised the environmental analyst that the additional traffic is within the street's capability and that up to 500 additional trips from this use would be insignificant.

10. South Trenton Street, between the subject property and residential properties, is a 16 ft. wide, unpaved roadway. The traffic engineers recommended that use of that street by the complex be limited to emergency vehicles. The proponent has agreed to that restriction and will provide a fence or chain gate to prevent the complex's traffic from using that entrance. Some traffic on Trenton can be anticipated from drivers who are lost or are seeking an alternate route to the highway.

11. Residents along Cloverdale have complained of cracked plaster from heavy trucks on Cloverdale. No increase is expected because the design of the buildings would not allow the larger trucks to serve the warehouses.

12. The subject site is currently zoned General Industrial (IG). Other industrial uses abut upon its east side. Across South Trenton is the beginning of a Single Family Residence High Density (RS 5000) zone to the south and east developed with single family homes. The South Park Neighborhood Improvement Plan is in draft, however its contents will not be noted since it has not been adopted.

13. A 10 ft. wide buffer zone on the subject property is required to be landscaped with trees and vegetation to protect the residential uses. The warehouse buildings are to be one story (inside clearance of 12 ft.) high.

14. Because of the height of the proposed buildings which is not great enough for major manufacturing, the size of the loading docks and doors which is too small for semi-trucks, and the distance between buildings being too small to accommodate semi-trucks, a change of use to one of the more intensive industrial uses would require major construction. The SEPA requirements would then again be triggered.

### Conclusions

1. WAC 197-10-340 directs the lead agency, in this case the Department of Buildings, to prepare a DNS if it determines that a proposal will not have a significant adverse impact on the quality of the environment. The State Supreme Court has decided that "significant adverse impact" is present when there is a reasonable probability that an action will have more than a moderate effect on the quality of the environment. Norway Hill v. King County Council, 87Wn.2d 267 (1976).

2. The City's ordinance implementing SEPA's requirements requires the Hearing Examiner to give substantial weight to the determination by the Building Department. A review of the evidence in this case supports the Department's determination. The record shows that while there are serious problems with air quality in South Park, the proposed use itself will not add enough pollutants to have a measurable impact.

3. It also shows the experts' opinion that the increase of traffic on Cloverdale can be accommodated and therefore will not have more than a moderate adverse impact. With the restriction on the use of Trenton, the occasional stray vehicle will not cause more than a moderate adverse impact on the quality of the environment.

4. The determination that the noise increase due to vehicular movement will not have a significant adverse impact was not shown to be incorrect.

5. As to land use, the Department's determination must be found to be correct as the proposal is consistent with existing zoning, no reliable evidence of a potential change was offered and landscaping deemed adequate by the Building Department to provide a buffer between the different uses is to be provided.


6. The appellant's concern with future uses is understandable given the uses allowed under the IG zoning. It was shown however, that because of the design of the proposed buildings, conversion to other industrial uses would require a new threshold determination with new opportunity for appeal.

7. The record does not show that the threshold determination by the Department of Buildings is incorrect and therefore it must be affirmed.

### Decision

The appeal is DENIED and the decision of the Department of Buildings is affirmed.

Entered this 5th day of January 1979.

  
M. Margaret Klockars  
Deputy 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.