

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

In the Matter of the Appeal of

QUEEN ANNE COMMUNITY COUNCIL

FILE NO. W-79-005

from an environmental determination
of the Superintendent of Buildings

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

Introduction

The appellant, the Queen Anne Community Council, filed an appeal challenging a declaration of nonsignificance (DNS) for a proposed 50-unit condominium building located between Gilman Drive and 14th Avenue West.

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

Parties to the proceeding were: the appellant, the Queen Anne Community Council; the project developer, James Paul Jones; and the Superintendent of Buildings, represented by Ross Radley, Esq.

This matter was heard before the Hearing Examiner on March 20, 1979.

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 proposed development site consists of 10 lots located in a trapezoidal shaped area between Gilman Drive and 14th Avenue West. The site drops off about 50 feet from the east to the west margin.

2. The development site contains 5 single family residences. The project developer, James Paul Jones, proposes to remove the existing structures and to construct a 50-unit condominium building. The building would have 4 stories over a basement and contain 53 off-street parking spaces.

3. The proposed site is located in a Multiple Residence Low Density (RM 800) zone that permits outright the construction of apartment buildings.

4. The Superintendent of Buildings issued a final DNS with regard to the proposal on February 7, 1979. On February 22, 1979 an appeal was filed by the Queen Anne Community Council.

5. The appellant organization alleges that the DNS failed to adequately consider the impact of a project of this magnitude on the access streets to Queen Anne Hill given the steep slope and narrow width of the existing street system. It is further alleged that inadequate consideration was given to the cumulative effect this project would have by increasing traffic and limiting access by emergency vehicles.

6. Item 13, Transportation/Circulation, of the environmental checklist acknowledges that the proposal will generate additional vehicular movement, will have effects on existing parking facilities, create demands for new parking and that it may increase traffic hazards to motor vehicles, bicycles or pedestrians. Mr. Hubbard testified for the appellant that his main concern was that Gilman Drive is a main entrance/exit corridor for Queen Anne and that the potential traffic increases generated by a structure of this size and density would adversely impact Queen Anne residents. Mr. Clow testified for the appellant that his main concern was the cumulative impact of such a high density building as proposed in light of the other developments that were taking place within a five square block area.

7. Don Carr, of the Engineering Department, testified with regard to traffic volumes on Gilman Drive and stated that the street has adequate capacity to handle increased traffic loads during peak hours. He also stated that the traffic data did not indicate that there would be any significant increases in accidents as a result of the increased traffic in the area.

Conclusions

1. An EIS is required by the State Environmental Policy Act (SEPA, RCW 43.21c) only when there is a major action significantly affecting the quality of the environment. The Supreme Court, in establishing a guideline as to what is "significant", has held that "procedural requirements of SEPA...should be invoked whenever more than a moderate affect on the quality of the environment is a reasonable probability." Norway Hill v. King County, 87 Wn.2d 267, 522 P.2d 674 (1976).

2. The record in this case shows that Gilman Drive has adequate capacity to handle the traffic generated by this project and other projects in the nearby area. The record also shows that the Department gave due consideration to traffic impacts generated by the project in arriving at a DNS determination.

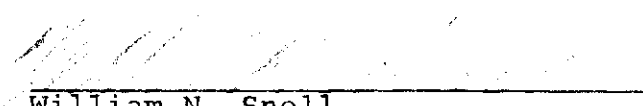
3. The concern of the appellant about increased development in the Gilman corridor is understandable but it is also important that the environmental impact statement requirement only be triggered when the evidence in the record shows that the proposal would have more than a moderate effect on the quality of the environment.

The appellant has failed to present any evidence that would show that the traffic generated by this project or others in the vicinity would result in Gilman Drive nearing or reaching capacity or that emergency vehicles would be impeded. General allegations and concerns, without hard evidence, are not sufficient to overturn a DNS.

Decision

The appeal is DENIED and the determination of the Department of Buildings is AFFIRMED.

Entered this 2nd day of April, 1979.


William N. Snell
Hearing Examiner