

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-79-035

from an environmental determination of
the Superintendent of Buildings

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

Introduction

The appellant, Concerned Citizens of South Park (Concerned Citizens), filed an appeal challenging the issuance of the Declaration of Nonsignificance (DNS) with regard to a proposal to construct a building with 10,258 sq. ft. on the first floor to be used in the manufacturing and assembly of industrial refrigeration equipment at 1057 South Director Street.

The appellant exercised its right to appeal pursuant to Section 20 of the SEPA Ordinance (105735, as amended).

Parties to the proceeding were: Concerned Citizens, represented by Barbara Warren of Evergreen Legal Services; the Superintendent of Buildings (Superintendent), represented by Assistant City Attorney Elizabeth Huneke and the project proponent represented by Derrill Bastian.

This matter was heard before the Hearing Examiner on October 31, 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 project proponent, Seattle Refrigeration and Manufacturing Company, proposes to construct a site assembled metal building for the manufacture and assembly of industrial refrigeration equipment. Shop space on the first floor will contain 10,258 sq. ft. Office space on the second floor will contain 4,243 sq. ft. Twenty off-street parking spaces will be provided.

2. The Superintendent entered a Final DNS with regard to the proposed project on September 12, 1979. Concerned Citizens filed a timely appeal on September 27, 1979. The appellant raises several issues on appeal which will be considered in the subsequent paragraphs.

Land Use

3. The project site is located on the boundary of the city limits and is an irregular protrusion of land that extends into King County. This project site is zoned General Industrial (IG) and is located on the top of a hill; the bordering properties within the city are zoned Single Family Residence High Density (RS 5000) and developed with single family dwellings. State Route 99 (West Marginal Way) is located to the west. The adjacent properties that are located in the county are zoned for manufacturing uses.

Setbacks from the residentially zoned property, as required by the Zoning Code, will be provided along with landscaping on the north 115 ft. of the site.

4. In the DNS, Item 8, it is noted that the proposal will alter the present or planned land use of the area. The environmental specialist noted that the change from a vacant site to manufacturing and office uses would be only partially consistent with the surrounding land uses. The proposed use is permitted outright in the IG zone.

5. A draft of a South Park Neighborhood Improvement Plan (NIP) has been prepared which recommends changing the Comprehensive Plan designation for the subject site from industrial to one and two family residential. The South Park NIP has not been adopted. Even if an EIS were required Section 15 of Ordinance 105735 does not permit consideration of such goals unless adopted prior to initiation of the proposal.

6. The appellant alleges that the change in land use is significant and that it would adversely impact the adjacent single-family properties.

Transportation and Circulation

7. Access to the site would be from 14th Avenue South, an arterial, then turning onto either South Henderson Street or South Director Street. Near the site, South Director Street has a width of 30 ft. but is only paved for 9 ft. Near the site, South Henderson Street, which passes through the residential area, is 60 ft. in width but is only paved for 21 ft. Grades of from 11 to 15 percent exist on both streets leading to the site.

8. The proposed use would have a total of from 24 to 27 employees. Ten of the employees would be office workers with the remaining shop employees. Information on the general operation of the business is contained in Appellant's Exhibit B.

9. Mr. Darland, the traffic expert for the appellant, testified that the use would generate 99 to 120 vehicle trips per day which would result in a 25 to 30 percent increase over existing traffic. Mr. Darland's conclusions were based on certain assumptions since information sufficiently detailed to do an indepth traffic analysis was not available. Mr. Frost, the project proponent, testified that actual vehicle trips by employees, based on experience, would be somewhat lower than estimated by Mr. Darland.

10. Mr. Markley, the traffic expert for the project proponent, testified that one measure of traffic impacts is the level of service or congestion that results from additional traffic. In his opinion the level of service for the area would remain at B or C which is well within acceptable limits recognized by traffic engineers. In his opinion the estimates of increased traffic volumes used by Mr. Darland were on the high side.

11. Truck traffic to the site would be limited. The project proponent does not operate any large or double axle trucks. Deliveries of materials to the site in double axle trucks would occur about once a month.

12. The appellant alleged that traffic impacts on the residential area would be significant.

Drainage

13. Under Item 16, Utilities, the environmental specialist noted that design of a storm water retention system will be approved prior to permit issuance. The South Park area has drainage problems due to a lack of a sewer system and existing soil and topographical conditions. The appellant alleged that drainage impacts were not adequately analyzed due to a lack of information on soil and water table conditions.

Noise

14. Under Item 6, Noise, the environmental specialist noted that the proposed use would generate some noise but that the required separation from the single-family properties would mitigate any noise problems. The building, although of metal, would be insulated which would reduce noise levels. The appellant alleges that there was insufficient information on noise impacts both from the proposed use and truck traffic.

Conclusions

1. In determining when an EIS is required the Supreme Court has 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. Norway Hill v. King County Council, 87 Wn.2d 267 (1976).

The record in this shows that there will be some adverse impacts from the proposal but that none are of a sufficient magnitude to be significant and therefore require an EIS.

2. Probably the most difficult issue raised by this appeal is the location of the site on a hill so that it is more directly related topographically to the single family properties to the north than to the manufacturing property to the south and east. However, the large size of the property (60,730 sq. ft.), the required setbacks from the single family properties and its location on the edge of the RS 5000 zone make the impacts less than significant. Many intense uses are permitted in the IG zone, some of which would clearly require an EIS at this location, but the proposed use will be low in intensity and will not generate impacts that would be significant.

3. With regard to transportation and circulation, the record shows there will be increases in traffic. Most of the traffic will not involve trucks and will not be of a sufficient magnitude to produce congestion or clog the streets. Even the existing narrow streets have the capacity to handle the increased volumes.

4. With regard to drainage, the requirement of a storm water retention system will eliminate any reasonable probability of significant impacts on the existing drainage system.

5. With regard to noise, there is no indication in the record that noise generated by the use would be significant either considered alone or cumulatively. The size of the trucks and frequency of use do not generate significant noise impacts.

6. No substantial evidence was presented with regard to the allegation that the project was improperly segmented. The Superintendent did not seriously consider possible future expansion as a part of the total proposal pursuant to WAC 197-10-040(29).

Decision

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

Entered this 26th day of November 1979.


William N. Shell
Hearing Examiner

Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any appeal to the Superior Court should be filed within 20 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977).