

## FINDINGS AND DECISION

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

In the Matter of the Appeal of

WAYNE ULRICH

FILE NO. MUP-83-042(W)  
APPLICATION NO. 83-357

from a decision of the Director  
of the Department of Construction  
and Land Use on a master use  
permit application

#### Introduction

Appellant, Wayne Ulrich, appeals from a decision by the Director, Department of Construction and Land Use, to issue a declaration of non-significance for a proposal to demolish two single family residences and construct a 20 unit apartment building at 4118 S.W. College Street.

The appellant exercised his right to appeal pursuant to the Master Use Permit Ordinance, Chapter 23.76, Seattle Municipal Code.

The matter was heard before the Hearing Examiner on September 7, 1983.

Parties to the proceedings were: appellant, Wayne Ulrich, the Director by Amy Luerson, and the applicant, Brian Wagner, co-owner.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code unless otherwise indicated.

After due consideration of the evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

#### Findings of Fact

1. A master use permit application was filed to demolish two single family houses and to construct a twenty unit apartment building at 4118 S.W. College Street.
2. The Director issued a declaration of non-significance with conditions for the application. Appellant appeals citing increased parking demand and negative effects of non-owner-occupied housing.
3. The site of the proposal is in an L-3 zone with single family development to the north and east, a library in an SF 5000 zone to the south and to the west, across the alley, is commercial development along California Avenue Southwest such as a Royal Fork restaurant.
4. The apartment units are to be sold as condominiums. Appellant was unaware of this as it was not included in the public notice.
5. The building is to have twenty parking spaces in its basement for the owners of the building. Owner's second cars, if any, and guests' cars would compete for street parking.

6. Appellant surveyed the area for available on-street parking spaces at 7:30 p.m. on a week night. Within one block in each direction of the subject site he found 10 vacant spaces plus 4 or 5 off the alley.

7. Applicant surveyed the area at 8:00 a.m. on a weekday, after most employed people have left for work, and found approximately 7 cars on the streets on one block in two directions.

8. Appellant offered that governmental statistics show that the national average vehicle ownership for single family homes is over 2.2 cars per residence. No statistics were offered for apartment dwellers or condominium owners vehicle ownership or for Seattle. According to applicant, the Director did find, in a decision on another of applicant's proposals involving 8 units on Beach Drive, that the ownership would average 1.5 cars per unit.

9. Bus lines serve California Avenue S.W., one block west.

10. Several apartment buildings in the area do not provide sufficient off-street parking for tenants.

11. The declaration of non-significance listed anticipated adverse environmental impacts from the proposal including additional parking demand.

#### Conclusions

1. A declaration of significance requiring an environmental impact statement must be issued only if the probable adverse impacts of a proposal would be "significant," which has been interpreted to mean "more than moderate." Norway Hill v. King County Council, 87 Wn. 2d 267 (1976). The Director has found that they would not be "major," which will be assumed to have been intended to be synonymous with "significant." The Director's determination is to be accorded substantial weight by the Hearing Examiner. Section 23.76.36 B(7). The burden is on appellant to prove the Director's decision is clearly erroneous. Norway Hill, supra.

2. Contrary to the Director's findings, appellant considers the increased demand for parking not satisfied on the site to be a significant impact. While the national average vehicle ownership of single family home owners was shown, there was no evidence of that figure's relationship to vehicle ownership by condominium owners in Seattle so no finding can be made as to the probable shortfall of parking nearby. Therefore, the record does not show clear error in the Director's decision as to the impact from increased demand for parking.

3. Appellant's second ground of appeal, the affect of non-owner occupancy, is without any basis as the project is to be a condominium.

4. Appellant urges that the project be limited to 8-10 units to reduce the parking overflow. The Director's representative asserts that the Director cannot impose a condition to require more parking because the number of units is less than 21, based upon Section 23.54.20 (D). The record does not show that the impact from increased parking demand is such that the Director erred in not imposing a condition to mitigate it.

Decision

The Director's decision is affirmed.

Entered this 19th day of September, 1983.

*M. Margaret Klockars*  
M. Margaret Klockars  
Deputy Hearing Examiner

Notice of Right to Appeal Decision Affirming  
Declaration of Non-Significance

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any further appeal must be filed with the Superior Court within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977); JCR 73 (1981). Should an appeal be filed, instructions for preparation of a verbatim transcript are available at the Office of Hearing Examiner. The appellant must initially bear the cost of the transcript but will be reimbursed by the City if the appellant is successful in court.

Notice of Right to Appeal Decision  
Regarding Conditioning Permit on  
Basis of Section 25.04.190

Pursuant to Section 25.04.210, Seattle Municipal Code, a party to the hearing before the Hearing Examiner may file an appeal with the City Council no later than the 14th day after the date the decision appealed from is filed with the SEPA Public Information Center. The appeal must be filed with the City Clerk on the 1st floor of the Municipal Building. Rules have been adopted by the City Council governing the appeal procedure and should be reviewed prior to filing an appeal.