

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeals of

ARTHUR B. MITCHELL AND
ANGELINE A. MITCHELL

FILE NOS. MUP-83-054 (W)
APPLICATION NO. 83-424

KIRK AND SHANNON BAILEY

MUP-83-052 (W)
APPLICATION NO. 83-424

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

Introduction

Su development Corporation applied for a master use permit to demolish an existing single family dwelling and to establish use for the future development of a ten-unit apartment building at 929 North 98th Street. The Director, Department of Construction and Land Use, issued a declaration of non-significance and conditioned the project. Appellants, Arthur B. Mitchell and Angeline A. Mitchell, MUP-83-054, and Kirk and Shannon Bailey, MUP-83-052, each appealed the Director's decision.

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

This matter was heard before the Hearing Examiner on October 3, 1983.

Parties to the proceedings were: appellants, all pro se; the Director by Rosemary Horwood; the applicant, Su Development Corporation, by John Su.

For purposes of this decision, all section numbers refer to 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. The subject property is a 50 ft. by 135 ft. lot located at 929 North 98th Street. The site is in a narrow strip of L-3 zoning and is level except for a slight westerly rise. The property is developed with an existing single family residence.
2. The site is a half block west of Aurora Avenue North and is located in a area of single family uses. There are one story houses on both sides of the subject site and three new residences across the street from the subject site.
3. The applicant proposes to construct a ten-unit apartment building with four stories and with the required parking and bicycle space at the ground level of the structure. The proposed structure would be 42 ft. high.
4. The applicant also proposes to provide landscaped open space with 30% of the lot.
5. The appellants were given proper notice of the subject application. The subject site was duly posted and all procedural requirements regarding notice were met.

6. During the actual construction of the apartment building there will be some noise, odors and air emission.

7. The construction of the unit will result in additional pedestrian and vehicle traffic. There will be an increase in the population; increase in parking demand; increase in the noise, light and glare levels.

8. Each of the appellants indicated that she or he would not be adverse to a lesser development.

9. The appellants and their witnesses each raised concerns about the increased traffic, parking, noise and general adverse affect on area.

10. The Director has found the increased traffic, parking demands, noise level, light and glare level not significant because of the "temporary nature and/or minor extent."

Conclusions

1. Where it is reasonably probable that a proposed project will have more than a moderate adverse impact on the quality of the environment an environmental impact statement must be prepared.


2. The Director's decision that the action proposed by the applicant will not have a significant adverse impact must be given substantial weight by the Hearing Examiner. Section 23.76.36, Seattle Municipal Code. The appellants have failed to overcome the weight given the Director's decision.

3. Section 25.04.190 provides that the Director may not deny a permit unless there are significant adverse environmental impacts which cannot be mitigated. The Director's determination is affirmed since appellants identified no such adverse impact. Neither did appellants show that the impacts expected to result were either more than temporary or significant such that further conditions should have been imposed.

Decision

The declaration of non-significance with conditions is affirmed.

Entered this 17th day of October, 1983.


Phillip Aaron, Pro Tempore
Hearing Examiner

Concerning Further Review

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any request for court review must be filed with the Superior Court pursuant to Chapter 7.16, RCW, within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977); JCR 73 (1981). Should such request 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

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. The City Council should be consulted regarding their appeal procedure.