

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

GREYSTONE ESTATES, INC. AND
PETER L. PRESCESKY

FILE NO. W-79-⁰³⁰~~050~~

from an environmental determination
of Department of Community Development

The appeal of Greystone Estates, Inc. and Peter L. Prescesky is hereby DISMISSED with prejudice.

The appeal of Samis Land Co. and Samuel Israel is DENIED and the threshold determination of DCD is affirmed.

Introduction

Samis Land Company and Samuel Israel, appellants, intervened in the above-entitled appeal and challenged the declaration of non-significance filed by the Department of Community Development, hereinafter, DCD, for a rezone proposed by the Royal Crest Homeowner's Association, hereinafter, Royal Crest, for the property along the west side of Lenora Street between First and Fourth Avenues.

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

Parties to the proceeding were: Appellants, represented by Helen M. Johansen, Ellington and Johansen, attorneys at law; Royal Crest, petitioners, by Bruce A. Robertson, Houser, Garvey, Schubert, Adams and Barer, P.C., attorneys at law; and DCD represented by Ellen D. Peterson, Assistant City Attorney.

This matter was to be heard before the Hearing Examiner on November 8, 1979, but was continued for submission of written legal argument.

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. Original appellants, Greystone Estates, Inc., and Peter L. Prescesky, did not appear in person or by counsel in the matter after remand from the Superior Court.

2. No evidence was offered by intervenor appellants however the written argument includes discussion of the effects of the proposed rezone. That document states that the rezone would increase traffic volume or flow. Taking official notice would be inappropriate as the statement is one subject to reasonable dispute.

3. Appellant contends that DCD inadequately considered the potential effects of decreasing CM zoned property and of increase in traffic.

4. The environmental checklist attached to the declaration of non-significance shows that land use and traffic were considered.

Conclusions

1. Greystone Estates, Inc., and Peter L. Prescesky each has abandoned its appeal in the matter that appeal should be dismissed with prejudice.

2. Section 20(4), Ordinance 105735, as amended, provides that the threshold determination is to be accorded substantial weight. Appellants have offered no competent evidence in support of their contention that potential environmental impacts were inadequately considered and that the determination was erroneous. Therefore, appellants have failed in their burden of proving error.

Decision

The appeal of Greystone Estates, Inc., and Peter L. Prescesky is hereby DISMISSED with prejudice.

The appeal of Samis Land Co. and Samuel Israel is DENIED and the threshold determination of DCD is affirmed.

Entered this 30th day of November 1979.

M. Margaret Klockars
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Deputy 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. (1977).