

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

In the Matter of the Appeal of

MARIAN BRISCHLE, et al.

FILE NO. W-77-022

from an environmental determination
of the Department of Community
Development

The appeal is DENIED.

Introduction

Marian Brischle, and other residents of the area, and the Seattle Shorelines Coalition filed an appeal challenging the declaration of non-significance prepared for the proposed expansion of the Seattle Tennis Club facilities at 922 McGilvra Boulevard East.

The appellants exercised their right to appeal pursuant to Section 20, Ordinance 105735.

Parties to the proceeding were: the appellants represented by Norman Winn and Janet Quimby, the Department of Community Development represented by Ross Radley and the project developer represented by Jerome Hillis.

This matter was heard before the Hearing Examiner on November 30, 1977.

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 Seattle Tennis Club submitted a proposal for constructing the following: an additional 1,200 square feet of office space on the upper level of the existing facility, a service elevator, a pedestrian service bridge and a guard kiosk. Conditional use approval will be required for the project.

2. The Department of Community Development reviewed the proposal and prepared on September 8, 1977, a declaration of non-significance.

3. On September 21, 1977, the appellants filed a timely appeal pursuant to Ordinance 105735. The appellants allege that an environmental impact statement should be prepared and that specifically the DNS does not fully discuss and disclose the nature of the proposed expansion, noise, glare, population, transportation and circulation, aesthetics and other issues.

4. The project is defined on page 2 of the environmental checklist. The appellants allege that the description is misleading since the proposed expansion will also result in part of the vacated area being used as a cocktail lounge, which will result in increased use of the existing facilities. A representative of the Department of Community Development

stated that she was aware that the vacated office space may be utilized for additional cocktail space with a capacity of 30 to 40 persons, but that it was not significant and that no withdrawal of the threshold determination was warranted pursuant to WAC 197-10-375.

5. Item 6 in the environmental checklist contains a discussion of noise. It is disclosed that the main sources of noise will be from construction, deliveries, garbage collection and the operation of mechanical equipment. The appellants allege that this discussion is inadequate and does not constitute a full disclosure.

6. Item 13 is concerned with transportation and circulation and states that there may be effects on existing parking. In addition, that the present patterns of circulation will be altered and that there will be an increase in traffic hazards. The appellants claim that the alteration of traffic and parking patterns resulting from use of the service bridge on McGilvra Boulevard will result in blockage of the sidewalk by vehicles and increased vehicle and pedestrian hazards.

7. Item 18 under aesthetics, states that the proposal will result in the obstruction of a scenic vista or view open to the public. The new expansion will partially obscure the view of Lake Washington that is visible from the sidewalk and vehicles passing along the street.

Conclusions

1. The determination of the Superintendent, pursuant to Ordinance 105735, in issuing a declaration of non-significance is regarded as prima facie correct. The appellants have failed to meet their burden and establish the incorrectness or inadequacy of the Superintendent's determination.

2. One of the primary purposes of the State Environmental Policy Act (SEPA) is to require the City to consider environmental factors when taking "major actions significantly affecting the quality of the environment". RCW 43.21C.030(2)(c). In stating a general guideline as to when an environmental impact statement is required the Washington Supreme Court in Norway Hill vs. King County Council, 87 Wn.2d 267, 552 P.2d 674 (1976) stated:

Generally, the procedural requirement 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. (citing case)

3. After reviewing the record in this case it is concluded that the effect of the tennis club expansion will not be negligible but that the impacts are certainly less than moderate. Some minor view blockage will occur and there will be an alteration in traffic and noise patterns but the impacts are not of such intensity or magnitude as to require a detailed environmental analysis in the form of an impact statement.


4. The decision of the Department of Community Development not to withdraw the negative threshold determination based on WAC 197-10-375 is supported by substantial evidence in the record.

5. The Supreme Court has held that the record of a negative threshold determination by a governmental agency must show that environmental matters were considered in a manner sufficient to result in prima facie compliance with the procedural requirements of SEPA. Sisley v. San Juan County, 89 Wn.2d 78 (1977). The record demonstrates that the Superintendent conducted an independent review of the environmental checklist and complied with the procedural aspects of SEPA.

Decision

The appeal is DENIED.

Entered this 16th day of December, 1977.



William N. Snell
Hearing Examiner

Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination and any further appeal must be made to the courts.