

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

CHERRY HILL COALITION

FILE NO. W-79-036

from an environmental determination
of the Superintendent of Buildings

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

Introduction

The appellants, Henry Jones, Sr., Lavona J. Johnson and Allan Z. Smith, as representatives of the Cherry Hill Coalition - PACE/Neighbors Concerned, filed an appeal challenging a declaration of nonsignificance (DNS) prepared by the Superintendent of Buildings in connection with the proposed construction of a three-story, 27-unit apartment building at 701-13 17th Avenue.

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

Parties to the proceeding were: the appellants, Cherry Hill Coalition, pro se, with Lavona Johnson as spokesperson; Eli Almo, developer, represented by counsel, Gary D. Huff; and the Superintendent of Buildings of the City of Seattle represented by counsel, Elizabeth Huneke, assistant city attorney.

This matter was heard before the Hearing Examiner on October 29, 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 proposed development site is a vacant corner lot at 17th Avenue and East Cherry Street measuring 120 ft. by 150 ft.
2. It is presently zoned Multiple Residence Low Density (RM 800).
3. A downzone rezone is currently being processed through the Department of Community Development which recommends this area be zoned Duplex Residence High Density (RD 5000) consistent with attempts to retain a residential area, as part of the Mann-Minor Neighborhood Plan implementation.
4. The proposed downzone from RM 800 to RD 5000 has been analyzed by the Department of Community Development and the draft environmental impact statement includes an alternative which would exclude the land along East Cherry from the downzone. The impacts of this alternative would be slightly less reduction in the multi-family development possibilities and fewer non-conforming uses created.

5. The City policies toward (1) protection of single family housing from apartment encroachment and (2) toward encouraging a mixture of housing types to appeal to a wide market in every neighborhood give conflicting direction when applied to development of this site. This development would provide diversity considered valuable by the second policy, but would permit a 27-unit apartment on the edge of a less dense residential neighborhood.

6. The site is faced by institutional uses: across East Cherry to the south is the Providence Hospital Medical Center and across 17th Avenue is the Washington State Department of Health Services Clinic.

7. Adjacent to the north is a duplex, the next structure is a 21 unit apartment, and then two single family residences.

8. The proposed structure would house 24 two-bedroom and 3 one-bedroom apartments with parking provided underground at a ratio of one parking space per unit.

9. The Superintendent of Buildings issued a final DNS with regard to this proposal on August 9, 1979.

10. The appellants appealed this decision alleging inadequate consideration of the impacts of this proposal on their neighborhood as to increased density and its added noise, air pollution, water use, traffic and parking needs. The appellants also challenge the aesthetics of the proposal and its anticipated general negative impact on the residential neighborhood.

Density

11. The proposal would increase density of the neighborhood since at present the site is a vacant lot. There has been no showing that the increased density will have a significant impact on the environment.

Noise

12. The multi-residential project proposal would increase the noise noticeably during construction, but the neighboring busy institutional uses already intrude into the quiet of this residential neighborhood and no more than a moderate effect on the noise level is foreseeable from this development.

Air Pollution

13. The consideration given to impacts on air resulted in the environmental specialist's conclusion that only a temporary deterioration of air quality during construction is anticipated. Increased car emissions was not shown to be significant.

Water

14. The drainage problems of the area have been addressed in the proposal with on-site retention systems planned to avoid exacerbation of surface water problems.

Traffic

15. The increased traffic resulting from development of this site is within a normal growth rate. Evidence as to accidents did not indicate that this apartment house would increase accident dangers significantly. No deterioration in quality of the environment is anticipated from this development relating to transportation.

Parking

16. There is a parking problem in this area at present and on this street (17th Avenue), because of the institutional neighbors and early multiplexes which did not have to provide off-street parking. This development will provide one off-street parking space for each unit and the added parking needs for guests and/or second cars of residents will negatively impact this area. However, this impact is not of a sufficient magnitude to require an environmental impact statement.

Aesthetics

17. The appellants find the appearance of the proposed structure offensive, but the only pertinent aesthetics question is: would the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? No such view is affected, and plans do not indicate an aesthetically offensive site.

18. The impacts on the environment were considered in each instance raised by the appellants.

Conclusions

1. The State Environmental Policy Act (SEPA, RCW 43.21c) requires an environmental impact statement (EIS) only when there is a major action significantly affecting the quality of the environment. Our Supreme Court has interpreted "significantly" as "wherever more than a moderate effect on the quality of the environment is a reasonable probability." Norway Hill v. King County, 87 Wn.2d 267, 278, 522, P. 2d 674 (1976).

2. The impacts of this proposal upon the environment are moderate and do not significantly affect its quality.

3. The present problems of this neighborhood in maintaining its viability as a residential area ought not be increased by this proposal since it is a residential use, albeit a multiple-unit one. Its location on the edge of this area facing large institutional uses suggest it may act as a buffer or transition from heavy institutional use to residential use.

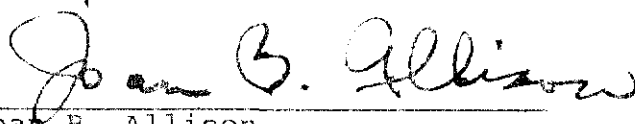
4. The concerns raised by the appellants were duly considered prior to the determination of non-significance of impacts to the environment. The neighbors' current difficulties in living close to the hospital and medical facilities will not be increased by this proposal.

5. The adverse impacts of this increased density are moderate in their effect on the quality of the environment and insufficient to trigger an environmental impact statement.

Decision

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

Entered this 13th day of November 1979.


Joan B. Allison
Hearing Examiner Pro Tempore

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).