

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

NORTHWEST MEDICAL ARTS ASSOCIATION

FILE NO. W-78-017

from an environmental determination
of the Department of Community
Development

The appeal is DENIED and the determination of the
Department of Community Development is AFFIRMED.

Introduction

The appellants, Northwest Medical Arts Association and a limited partnership, Gene E. Lynn & Elizabeth A. Lynn, filed an appeal challenging the adequacy of a Final Environmental Impact Statement prepared by the Department of Community Development (DCD) with regard to certain proposed modifications to a Planned Unit Development (PUD) for Northwest Hospital.

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

Parties to the proceeding were: DCD represented by Ross Radley, Northwest Hospital represented by James N. Jory, Jr., and the appellants represented by Jerome D. Carpenter.

For reference purposes the portion of the Environmental Impact Statement (EIS) dated July 1, 1978 will be referred to as volume 1 and the September, 1978 portion as volume 2.

This matter was heard before the Hearing Examiner on November 30, 1978.

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. In 1972 the City Council approved a PUD for Northwest Hospital. The Northwest Hospital campus is large in size with over 32,198 acres and contains a hospital and related medical and professional office buildings. The site is located south of North 120th Street and north of North 115th Street between Stone and Meridian Avenues North. The street address is 1551 North 120th Street.

2. Northwest Hospital is seeking to obtain an administrative modification from the Department of Community Development with regard to the PUD approved in 1972.

3. Several modifications are proposed including a reduction in a planned 5-story addition to the hospital from 150,000 square feet to 111,190 square feet. The modification which is the subject of this appeal involves a proposal to abandon plans to add 3 stories to an existing 3-story office building known as the Northwest Professional Center, which is owned and operated by the appellants. In place of the proposed 3-story addition, a 2-story office building, not to be operated or owned by the appellants, would be constructed to the south-east of the main hospital.

4. An EIS was prepared with regard to the PUD modifications. Northwest Medical Arts Association filed a timely appeal on October 12, 1978. The appellants allege that the EIS fails to clearly, concisely and with appropriate detail examine the advantages of constructing three additional stories to the existing Northwest Professional Center as opposed to constructing a new 2-story office building. A prehearing order shows that the appeal is limited to a challenge of the adequacy of the EIS with regard to the proposed deletion of the 3-story addition to the Northwest Professional Center and proposed construction of a new 2-story office building and issues related to this modification such as site coverage and traffic circulation. No objections are raised in this appeal with regard to the aspects of the EIS dealing with the physical modification of the main hospital building or the decision to modify or not to modify the PUD.

5. The appeal also alleges the following elements of the environment, with regard to the proposed 2-story office building, were inadequately considered: earth excavation and disposal; flora and fauna; light and glare; land use, including coverage of open space; natural resources; aesthetics; transportation and circulation problems; and public services.

6. The appellants rely heavily upon the response of the Seattle Building Department in the second volume of the Final EIS. In commenting on the EIS, the Building Department stated as follows:

Without definitive information on the exterior appearance of the proposed structure (i.e., architectural information and landscaping features), we are precluded from commenting on the related impacts such as aesthetics, light and glare.

A site plan should be included that details existing and proposed landscaping of the proposed modifications.

Without the above information, the DEIS's purpose as a full disclosure document is not fully met.

7. The response to the Seattle Building Department was as follows:

Building exteriors have not been finalized but project architects would try to assimilate new structures into the campus without creating new and dramatic architectural statements. Building exteriors are presently brick and concrete. Buildings would feature architectural variation in shape and form to avoid creating box-like structures. Non-glare finished surfaces would be used.

The hospital has agreed to submit a landscaping plan to DCD as part of the request for a PUD modification. Elevations would also be shown on the modified PUD plan.

8. At the hearing appellants alleged that the EIS does not adequately deal with the excavation of earth on the site and does not give any indication of the quantities of earth to be moved. It is also alleged that short-term construction impacts were not properly analyzed. In the EIS on page 23 of Volume 1 it states that: "The hospital addition would require excavation of approximately 10-12 feet and removal of approximately 14,500 cubic yards of soil. Excavated material would be used to create landscape berms along North 120th Street and the eastern property boundary. Excess material would be trucked to a landfill." Page 23 also lists mitigating measures regarding construction impacts.

9. The appellants allege that although landscaping is alluded to in the EIS, the location, size and density of such landscaping is not shown and that a plan should have been provided.

10. The appellants allege that elevations are not given for buildings and therefore it is not possible to evaluate the impacts of light and glare in receptor areas which is needed information in order to mitigate any impacts. Volume 1, page 8, figure 3 of the EIS does give the height of buildings in stories although no ground elevations are provided. Volume 1, page 2, figure 1 of the EIS provides general topographic information for the site.

Conclusions

1. The appellants have failed to show that the EIS does not contain a reasonably thorough discussion of the environmental impacts as required by SEPA.

2. One of the issues raised by the appellants concerns the failure to include any elevation drawings showing the height of the buildings. By reviewing various parts of the EIS, a general determination of building heights can be made but an elevation drawing showing heights would have readily provided the type of information most useful to a decision-maker. Such information would also have been useful to the general public. In this case, it is ironic that the appellants raise the issue since they favor the construction of a 6-story building instead of a 2-story building. Since the appeal only raises issues relating to the 2-story building, sufficient information is contained in the EIS to make an evaluation of the impacts of a building of such height.

3. Another issue raised by the appellants is the failure of the DCD to provide information on the building exteriors. Such information is important in commenting on aesthetics, light and glare. The Building Department, an agency experienced in environmental analysis, specifically pointed out the need for such information. The DCD's response is a classic example of a non-responsive answer couched in vague and confusing terminology and based on speculation. However, since the appeal only raises issues concerning the 2-story building, which is small in bulk, there is sufficient information in the EIS to alert the decision-maker to the potential impacts. Had this issue been raised with regard to the 5-story hospital addition, a different result might have occurred.

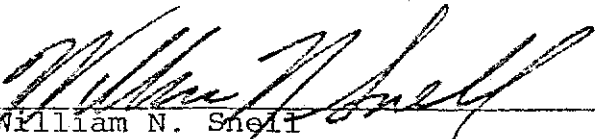
4. With regard to the excavation of earth, short-term construction impacts, and landscaping issues, sufficient information is contained in the EIS on each of these topics to meet the requirements of SEPA. Additional information and detail would have been helpful but the omissions are not of such a magnitude as to require a remand.

5. The test for judging the adequacy of an EIS is the rule of reason. Cheney v. Mountlake Terrace, 87 Wn. 2d 338 (1976). Although the appellants have pointed out several deficiencies, they are of a minor degree and would not mislead the decision-maker or prevent him or her from fully considering and balancing the environmental factors. Overall, the EIS contains a reasonably thorough discussion of the environmental impacts as required by SEPA.

Decision

The appeal is DENIED and the determination of the Department of Community Development is AFFIRMED.

Entered this 19th day of December, 1978.



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.