

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

In the Matter of the Appeal of

CONCERNED CITIZENS OF GEORGETOWN

FILE NO. W-78-007

from an environmental determination
of the Department of Community
Development

The appeal is DENIED.

Introduction

The appellants, the Concerned Citizens of Georgetown, filed an appeal from a Declaration of Non-Significance prepared by the Department of Community Development for the proposed rezoning from Commercial Business to General Commercial zoning of property on the south side of South Bailey Street between Flora Avenue South and Ellis Avenue South.

This matter was heard before the Hearing Examiner on May 3, 1978, in combination with the hearing on the petition to rezone.

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. Jerome E. Mathews has filed a petition for the reclassification of property located in the southern frontage of South Bailey Street at the corner of South Bailey and Ellis Avenue S. from Commercial Business to General Commercial zoning. The subject property for the purpose of the threshold determination was comprised of 5 lots, however, at hearing, the rezone petition was amended to eliminate two of those lots.

2. The Department of Community Development, as the lead agency, issued its Declaration of Non-Significance (DNS) with regard to the original proposed rezone March 8, 1978 and filed it with the SEPA Public Information Center on March 9, 1978. The appellants filed their notice of appeal March 24, 1978. In general, the contention of appellants is that the Department did not consider the impact of the proposed action on Georgetown's residential community. Items specifically objected to will be addressed in the following paragraphs.

3. Under Item 8, Land Use, the checklist states that the proposal will result in the alteration of the present and planned land use of the area. In explanation the Department states that the CG zone would allow a wide range of warehousing and light manufacturing uses and that the Comprehensive Plan designates the area for industrial uses. Appellants allege that the Department failed to consider the impact of this change in land use on the bordering residential area and the pending revision of the Comprehensive Plan. The present planned use, according to the Comprehensive Plan, is for industrial development. By council resolution (25785) that

plan is designated an interim guideline pending final adoption of Seattle's Land Use Policies.

4. Under Item 11, Population, the Department stated that the proposal would not alter the location, distribution, density or growth rate of the human population of the area. Appellants argued that this answer is incorrect in that an area which people think will be taken over by warehouses and industry will slowly lose population. The objection to negative response to Item 12, Housing, was similar to that for population. The appellants stated that demand for and property values of housing tend to decline as an area moves toward a higher intensity use.

5. Under Item 13, Transportation, the Department stated that there may be generation of additional vehicular movement from construction vehicles and commercial vehicles; there may be an increase in on-street parking; there will be no impact on existing transportation systems. Appellants maintain that the Department did not seriously consider the impact of additional traffic.

Conclusions

1. The Department of Community Development's determination that the proposal will not have a significant adverse impact on the environment is to be regarded as prima facie correct, according to Ordinance 105735. The burden to establish the contrary is on the appellants.

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). The guideline established by the Washington Supreme Court for determining when an environmental impact statement (EIS) is required is "whenever more than a moderate effect on the quality of the environment is a reasonable probability." Norway Hill v. King County Council, 87 Wn.2d 267, 552 P.2d 674 (1976).

3. The Department of Community Development conducted an independent review of the checklist submitted by the petitioner. That review resulted in modifications of and additions to some of the answers. While a broader view of the question of impact on land use could have been taken the answer given was not incorrect. Further, the effects of a rezone on the residential area can be (and were) raised as issues in the rezone. While the purpose of SEPA is to provide full disclosure of environmental impacts so that decision-makers will have adequate environmental information to consider in making the decisions, because of the relatively small area of the proposed rezone the issue can be adequately considered by the Council without a detailed analysis which an EIS would provide. As to the other points raised by the appellants, because of the limited proposal, none can be said to have a "significant" effect under the guideline of Norway Hill.

4. The Department's review was sufficient to result in prima facie compliance with the requirements of SEPA.

Decision

The appeal is DENIED.

Entered this 18th day of May, 1978.

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 and any further appeal must be made to the courts.