

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

MELBA WINDOFFER AND EDITH A. DANIELSON

FILE NO. MUP-81-006

from a determination of the Director
of the Department of Construction and
Land Use on a Master Use Permit
application

Introduction

Appellants, Melba Windoffer and Edith A. Danielson, appeal from a Declaration of Non-Significance issued by the Director of the Department of Construction and Land Use (CLU) for a proposal to construct mini-warehouses at 7133 Deldridge Way S.W.

Parties to the proceedings were: Appellants; Melody McCutcheon and Arthur W. Ward, representing CLU; and Dean Beaumont for Public Storage, Inc., proponent.

The hearing was set for July 7, 1981, continued to July 8, and further to allow oral or written submittal by appellants' witness. No submittal having been received by July 21, 1981, the record was closed.

After due consideration of the evidence presented by the Director, the applicant, and interested persons, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. Public Storage, Inc., applied for permits to allow the construction of mini-warehouses for storage of household goods and caretakers quarters at 7133 Deldridge Way S.W.
2. A Declaration of Non-Significance was issued by CLU for the project. Appellants filed a timely appeal.
3. Appellants contend that the proposed project will increase the flooding problem along Longfellow Creek, provide no jobs for unemployed youth, increase drainage and pollution problems and generally degrade the quality of life in that area.
4. Longfellow Creek goes through appellants' properties and the subject property. The combined sewer system overflows frequently causing pollution and flooding of the creek. Refuse is carried by the creek and deposited on appellants' property.
5. The proposed project, with 46,450 sq. ft. of building plus hard surfaced area, will add a large amount of impervious surface. The increased runoff could add to the flooding and pollution of the creek if not controlled.
6. Plans for the project include a controlled release facility which stores runoff and releases it into the sewer system at a controlled rate as required by the Drainage Ordinance.
7. A City-funded detention facility is planned for Webster Street upstream from the subject property and is designed to reduce the torrential flooding which has occurred.
8. The environmental checklist acknowledges that the proposed development will reduce the absorption rate but states that the reduction should be offset by the detention system.

Conclusions

1. The examiner is required by Section 24.84.170, Seattle Municipal Code, to give the declaration of non-significance substantial weight. Only if clear error is proven may the decision be reversed.

2. While the area suffers from severe flooding and drainage problems the evidence shows that this project will not add to those problems because of the inclusion of the controlled release facility in the plans. Therefore, the decision was not in error.

Decision

The determination by the Director of the Department of Construction and Land Use is AFFIRMED.

Entered this 22nd day of July, 1981.

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 further appeal must be filed with the Superior Court within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977); JCR 73 (1981).