

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

BEACON HILL COMMUNITY COUNCIL

FILE NO. MUP-82-039(W)
APPLICATION #82-0189

from a decision of the Director of
the Department of Construction and
Land Use

Introduction

Project applicant proposes to construct a church building at 6115 Beacon Avenue S. Appellant contests the decision by the Director of Construction and Land Use to issue a declaration of non-significance (DNS).

The appellant exercised its right to appeal pursuant to the Master Use Permit Ordinance, Chapter 24.84, Seattle Municipal Code.

Parties to the proceedings were: Appellant by Doris Kos, pro se; project applicant by Kenneth Weiner, Preston, Thorgrimson, Ellis and Holman; the Director of Department of Construction and Land Use (DCLU) by Arthur Ward.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code, Title 24 (Ordinance 86300, as amended) unless otherwise indicated.

This matter was heard before the Hearing Examiner on July 23, 1982.

After due consideration of the evidence elicited during the public hearing and as a result of the personal inspection of the subject property and surrounding area by the Hearing Examiner, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

Findings of Fact

1. Project applicant, the Reverend Roland Capes, proposes to construct a church building with on-site parking at 6115 Beacon Avenue S. Appellant appeals the DCLU determination that an environmental impact statement is not required.

2. The subject site has 64.79 feet of frontage on east abutting Beacon Avenue S. After roughly 104 feet west, the lot width increases to 117.9 feet for the remaining 200 feet of the property. Improved 24th Avenue S. is west of the site. The site, with approximately 19 large maple trees and other blackberry and scrub growth, slopes moderately to the west, and is undeveloped. The total lot area is 29,700 sq. ft.

3. The westerly 200 feet of the site is zoned Single Family Residence High Density. The remaining easterly portion is zoned Duplex Residence High Density.

4. The nearest intersection to the subject site is the S. Graham Street-Beacon Avenue S. intersection, south of the subject site. At the northeast corner of the intersection is a church and Child Development Center. At the northeast corner of Beacon Avenue S. and S. Spencer Street is another church, the St. Mark's Lutheran Church. S. Spencer Street is one block north of S. Graham Street.

5. Beacon Avenue S. is a major north-south arterial with a 1981 average weekday north-south traffic count of 13,100. No figures were presented for weekend traffic, although the DCLU specialist offered that the traffic would be "considerably less." Appellant offered no contrary figures. A public transit route is located along Beacon Avenue S.

6. Widening of Beacon Avenue S. from 18 feet to 20 feet, yielding two eight foot wide traffic lanes and one four foot parking lane, has added or increased the net availability of onstreet parking. Median parking has not been eliminated, but rearranged "where needed for businesses, churches and recreation facilities." Beacon Boulevard Urban Design Study, Director's Exhibit 2.

7. Project applicant proposes to construct a 40 foot wide, 60 foot deep frame church building and daylight basement on the easterly portion of the subject property. Seating capacity is 175. Twenty-seven on-site parking spaces are proposed. The singular access would be from a 20 foot wide Beacon Avenue S. driveway. The westerly 13,452 sq. ft. of the site would remain undeveloped.

8. The edifice is proposed for services of the Beacon Hill Christian Fellowship, which group currently numbers approximately 25 adults. Generally, the building would be in use on Sundays from 9:00 a.m. to 12:30 p.m., and from 7:00 p.m. to 8:30 p.m. A Thursday evening Bible study is also planned. Proponent estimates that two-thirds of the congregation is local, i.e., from the Beacon Hill area. Some parishioners walk. For others, the congregation has a ride-sharing transportation program for the elderly and singles. The fellowship meets at the Beacon Hill Lutheran Church. The Reverend Capes estimates that nine cars are used by the congregants for present services.

9. Two on-site parking areas are proposed. The area east of the proposed building, adjacent to the north property line, has 18 parking spaces. The second area, adjacent to the south property line, has 9 parking spaces. The Director has suggested that to accommodate circulation between the areas, the front of the building be moved 8 feet (west). This is acceptable to the proponent.

10. After a review of the Environmental Checklist, the Director issued a declaration of non-significance for the project, and appellants filed this appeal, raising issues of, inter alia, inadequate lot size for building or related traffic; dust and noise concerns; impact on vicinity parking and traffic, particularly in view of three churches in the immediate neighborhood and the Child Learning and Development Center directly across the street from the proposed project; impact on vegetation; and apprehensions concerning congregation growth projection.

11. The Environmental Checklist noted the impacts of noise, dust and increased Sunday morning and evening vehicular traffic, but concluded with respect to traffic that congestion is not expected to be significant due to the limited size of the church, the large property, and "good access from two arterial streets," i.e., S. Graham Street and Beacon Avenue S.

12. Landscaping is proposed in accordance with requirements of City Landscaping Standards, Director's Exhibit 1, e.g., 3 foot wide plant areas and 4 foot screen fences along the northern and southern property lines.

Conclusions

1. In evaluating threshold determinations, the decision of the Director is to be accorded substantial weight, and the burden of proving a position contrary to the Director is that of the appellant. Section 24.82.170.

2. An environmental impact statement is required only when there is an action which would have a significant adverse impact on the environment, i.e., "whenever more than a moderate effect on the quality of the environment is a reasonable probability." Norway Hill Preservation and Protection Association v. King County Council, 87 Wn.2d 267 (1976); Brown v. Tacoma, 30 Wn. App. 762 (1981). The issue is not whether the structure should or should not be built. Consequently, petitions assume relatively less significance in the challenge to an environmental decision.

3. Although general statements of concern regarding traffic effects were made, the record reflects that Beacon Avenue S. and S. Graham Street are arterials, with Beacon Avenue S. averaging some 13,100 weekday trips. A projection of two trips per day for the 27 parking stalls does not show, particularly in view of the limited projected use and scale of the facility, that the Director was clearly erroneous in his decision not to require environmental impact statement detail. The proposed on-site parking should accommodate the proposal. However, it is noted that the net availability of on-street parking has increased; that the area is served by public transit; that the majority of current parishioners are local; and that some pattern of ride-sharing exists.

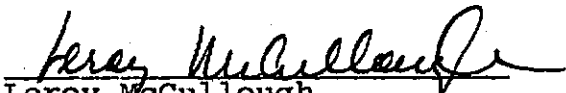
4. The 29,700 sq. ft. area lot is of adequate size to accommodate the proposal. Concerning the projection of the congregation's growth, again the appellant's burden is to show the Director's error. The record is deficient in that regard. However, it is noted that the current plans call for an undeveloped 13,452 sq. ft. of the lot, accessible for potential growth.

5. The remaining elements of the appeal have been considered, and the referenced effects appear to be of relative temporary or limited degree. The DNS is affirmed, conditioned to accommodate traffic circulation per the Director's recommendation.

Decision

The Director's decision is AFFIRMED.

Entered this 27th day of July, 1982.


Leroy McCullough
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). Should an appeal be filed, instructions for preparation of a verbatim transcript are available at the Office of Hearing Examiner. The appellant must initially bear the cost of the transcript but will be reimbursed by the City if the appellant is successful in court.