

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

In the Matter of the Appeal of

VINESSA ANDREANO

FILE NO. MUP-85-011(W)  
APPLICATION NO. 8404423

from a decision of the Director of  
the Department of Construction and  
Land Use on a master use permit  
application

Introduction

Appellant, Vinessa Andreano, appeals the decision of the Director, Department of Construction and Land Use to issue a declaration of non-significance with conditions for a proposal to construct an addition to a building at 2040 15th West.

The appellant exercised her right to appeal pursuant to the Master Use Permit Ordinance, Chapter 23.76, Seattle Municipal Code.

This matter was heard before the Hearing Examiner on April 17, 1985.

Parties to the proceedings were: appellant, pro se; the Director by Leslie Lloyd, land use specialist; and the applicant, G.M. Nameplate by Don Root, president.

For purposes of this decision all section numbers refer to the Seattle Municipal Code, unless otherwise indicated.

After due consideration of the evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

Findings of Fact

1. G.M. Nameplate, Inc., proposes to construct additions to an existing office/manufacturing building at 2040 15th Avenue West. A four unit apartment/motel building at 2047 14th Avenue West would be demolished.

2. The subject site is located on the east side of 15th Avenue West between W. Newton and W. Boston Streets in a General Commercial (CG) zone. Fourteenth Avenue West separates the site from a Lowrise 3 zone to the east developed with apartments and single family residences. Property on the west side of 15th West and to the south is zoned General Industrial (IG).

3. The applicant has modified its proposal since it was reviewed by the Director. The proposal before the Director for environmental review, however, was to add a two story addition with 27,232 sq. ft. next to the eastern part of the building along 14th Avenue W.; introduce a mezzanine within the existing building; remove a 30 ft. width on the western side of the building and extend it to the south with a second story. The total addition would be 48,932 sq. ft. of floor area.

4. In a separate application, G.M. Nameplate proposed creating a parking lot on the northeast corner of 15th and Boston. Thirty-two spaces would be provided on that lot and 11 spaces would be added to the subject site. The site currently has 52 parking spaces plus joint use of another 14 spaces with the restaurant at the corner of 15th and Boston. The total parking space requirement is 88 and 95 would be provided.

5. The top of the new part of the building at the 14th and Boston corner will be just above street level, after the excavation of some 35 ft. There will be parking on the rooftop at that location, parking at a lower level with access from Boston Street and parking along the west side of the site with access from 15th Avenue West. The rooftop parking will be more visible than the existing parking but rooftop landscaping is proposed to improve the appearance.

6. Fourteenth Avenue West has a 66 ft. wide right-of-way and is improved with two lanes of travel and two parking lanes. There are curbs on both sides, sidewalk on the west side and a planting strip along the existing G.M. Nameplate facility planted with street trees. Conditions on the decision require maintaining the trees and landscaping along Boston Street.

7. G.M. Nameplate currently produces nameplates and front pieces for stereo, video and other electronic equipment and small appliances. The process involves applying coatings of synthetic resins, paints, and pressure sensitive adhesives to prepared metal and plastic material. Neighbors believe this produces odors they find offensive. There are other uses in the area which may contribute to the offensive smells. The new space would be utilized for production of membrane switches. The new activity would involve only the assembly of manufactured parts so would not increase any odor problem.

8. An environmental checklist was prepared and reviewed by Leslie Lloyd, the environmental specialist. The checklist indicates that deterioration of ambient air quality and creation of objectionable odors are to be expected. The odors and air quality deterioration from construction activities would be temporary. The checklist indicates there would be additional printing-related fumes to be exhausted. However, testimony showed that the new assembly activity would not involve any printing materials which give off odors.

9. The checklist shows there would be an increase in existing noise levels from construction activities but no long term increase.

10. The environmental checklist shows that there would be generation of additional vehicular movement, effects on existing parking facilities or demand for new parking, and alterations to present patterns of circulation movement of people and/or goods. It discloses a possible impact on existing transportation systems and an increase in traffic hazards to motor vehicles, bicyclist or pedestrians.

11. The average weekday traffic volume on 15th Avenue West is approximately 35,000 vehicles. Most of the traffic coming to and from the facility would use that street. Given the volume any addition of volume from the possible increase in employees would not be appreciable.

12. Delivery and shipping had been done from 15th West which has created a traffic problem. The loading area would be moved to the north end of the site and would be accessed from Boston Street. That change along with the dispersion of the parking areas accounts for the change in circulation patterns.

13. If the number of employees is increased, there would be additional vehicular traffic to the site and additional demand for parking. The applicant states, and the Director agreed, that most of the demand would be accommodated on-site and would reduce the current demand for on-street parking.

14. The Director found no hazardous traffic conditions in the neighborhood. Exhibit No. 1 shows a controlled pedestrian crossing in front of the site on 15th.

15. The company assigns parking stalls to its employees. This assures that employees can go directly to the correct lot without circling the block.

16. The applicant currently employs approximately 300 persons who work in one of two shifts. Approximately half of the employees commute by bus or carpool.

#### Conclusions

1. If the Director determines there will be no probable significant adverse impacts from the proposal he is to issue a determination of non-significance. Section 25.05.340. A significant adverse impact would be present when more than a moderate adverse impact on the environment is reasonable probability. Norway Hill v. King County Council, 87 Wn.2d 267 (1976). In this case the Director found several probable temporary impacts and also some long term impacts, but concluded that the temporary and long-term impacts would not be significant. That determination is to be given substantial weight by the Hearing Examiner on review. Section 23.76.36(B)(7).

2. Appellant is concerned with potential increases in traffic generation and parking demand, air quality and noise pollution and challenges the Director's determinations in those areas. She differs with the Director's analysis of the impacts only in the matter of degree in that he too found that there would be impacts on these elements of the environment. The standard of review is that of "clearly erroneous" which means appellant's evidence must leave the examiner with the firm conviction that a mistake has been made to allow reversal of the Director's determination. Hayden v. Port Townsend, 93 Wn.2d 870 (1980). The evidence does not support that conclusion so the Director's determination must be affirmed.

#### Decision

The determination of non-significance is AFFIRMED.

Entered this 1st day of May, 1985.

  
M. Margaret Klockars  
Deputy Hearing Examiner

#### Concerning Further Review

The decision of the Hearing Examiner in this case is final and is not subject to reconsideration except to correct errors on the ground of fraud, mistake or irregularity in vital matters. Any request for judicial review of the decision must be filed in King County Superior Court within fourteen days of the date of this decision. Seattle Municipal Code Section 23.76.36.(B)(11).

Judicial review under SEPA shall without exception be of the decision on the underlying governmental action together with its accompanying environmental determinations. RCW 43.21C.075(6)(c). SEPA issues may be added to the request for review within 30 days after the date of this decision if a notice of intent to seek judicial review of SEPA issues is filed with the Director of the Department of Construction and Land Use, 400 Seattle Municipal Building, Seattle, Washington 98104, within fourteen days of the date of this decision. Seattle Municipal Code Section 25.05.680(3)(d).

If the Superior Court orders a review of the decision, the person seeking review must arrange for and bear the cost for preparing a verbatim written transcript of the hearing but will be reimbursed if successful in court. Instructions for preparation of the transcript are available in the Office of Hearing Examiner, 400 Yesler Building, Seattle, Washington 98104. In the alternative, RCW 42.21C.075(6)(b) provides that a tape may be used for the court review. If a taped transcript is to be reviewed by the court the record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of taped transcript relating to issues on review.