

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

In the Matter of the Appeal of

FRANCES R. MINER

FILE NO. W-76-003

from an environmental determination of
the Superintendent of Buildings

The appeal is DENIED and the determination
of the Superintendent of Buildings is
affirmed.

Introduction

The appellant, Frances R. Miner, appeals from the determination of the Superintendent of Buildings to issue a declaration of non-significance with regard to an application of Hugh Benton for a permit to construct a 15-unit apartment structure at 4601-13 Fontanelle Street S.W. The appellant contends that an environmental impact statement is required in this instance.

The appellant exercised her right to appeal pursuant to Section 20, Ordinance 105735.

This matter was heard before the Hearing Examiner on October 19, 1976.

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. The permittee, Hugh Benton, applied for a permit on August 8, 1976, to construct a 15-unit apartment building at 4601-13 Fontanelle Street S.W. The Superintendent of Buildings (hereinafter, Superintendent) issued a declaration of non-significance with regard to the environmental concerns for this project on September 15, 1976 and this document was filed with the SEPA Public Information Center at this time. The instant appeal was filed with the Hearing Examiner on September 30, 1976.

2. The subject property contains an approximate area of 14,000 square feet and is situated at the north end of a triangular shaped property that is bounded by 47th Avenue S.W. on the west, Fauntleroy Avenue S.W. on the east, and Fontanelle Street S.W. on the north. The property is zoned Neighborhood Business (HN) and is currently undeveloped, although the property is utilized for the parking of several trucks. The southern portion of the triangular shaped property is developed with a service station.

3. The BN zoning designation for the subject property would permit the development of a variety of non-residential uses. The proposed apartment development is permitted outright in the BN zone and is, in fact, a less intense use than the business uses which are normally located in a BN zone.

4. Situated to the west of the subject property is Lincoln Park, while to the east are several tennis courts located in a small park. Further to the east beyond the tennis courts is an area which is developed primarily with single-family residences. Properties to the north across

Fontanelle Street S.W. from the subject property are developed with a mixture of residential uses, with the predominant use being the single-family residence.

5. Fauntleroy Avenue S.W. is a heavily traveled arterial which carries a substantial amount of traffic to the Fauntleroy Ferry Terminal located some distance to the south. Forty-seventh Avenue S.W. is also relatively heavily traveled in that it carries a substantial amount of traffic between the ferry terminal and Beach Drive S.W. which is situated along the Puget Sound shoreline to the northwest. These streets are more than adequate to accomodate the increase in traffic that might be generated by the proposed apartment building. Neither these streets nor any others in the immediate vicinity have been officially designated as scenic routes by the city.

6. The Department of Parks and Recreation for the City of Seattle has no foreseeable plans to develop the subject property for park use, nor connect it with Lincoln Park to the west.

7. The proposed apartment building would contain a maximum of 15 dwelling units as well as an equal number of off-street parking spaces at the minimum. It is foreseeable, due to the large size of the subject property, that additional off-street parking spaces will be provided beyond the minimum that is required by the zoning code. The BN zoning designation for the subject property restricts the height of the proposed building to a maximum of 35 feet so that there would be no significant impact on views in the area. Additionally, the building will not be of such a large size or out of scale with the area that there will be a negative visual impact on the vicinity. No water run-off problems are foreseeable as a result of the proposed construction.

8. Although a temporary increase in noise levels is foreseeable as a result of the actual construction of the apartment building it cannot be foreseen that there will be a significant increase in either noise levels or air pollution as a result of the proposed use. The number of vehicles which will be generated to the site by the proposed use will not be of such a substantial number that any significant impacts will result beyond that which is already produced by the traffic on 47th Avenue S.W. and Fauntleroy Avenue S.W., in addition to the abutting service station use.

Conclusions

1. An environmental impact statement is required by the State Environmental Policy Act (SEPA) (RCW 43.21C) only where there is a major action which would have a significant adverse impact on the environment. In this instance the proposed development will not have a significant adverse impact on the environment and therefore the Superintendent has properly prepared and issued a declaration of non-significance with regard to the proposed action.

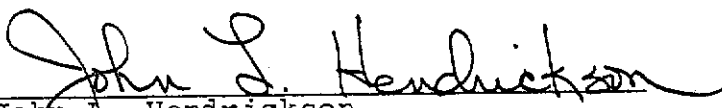
2. In appeals of this nature, the burden is on the appellant to demonstrate that a significant error or oversight has been committed by the agency which prepares and issues the declaration of non-significance. The determination by the lead agency is regarded by ordinance as prima facie correct in this instance and the appellant has not established that any significant error or omission has been committed in the preparation of the declaration of non-significance in question. It appears, to the contrary, that the environmental considerations surrounding the proposed project have been fully analyzed by the Superintendent and that it has been properly determined that there would be no significant adverse impact on the environment resulting from the proposed construction or use.

3. The proposed apartment building is permitted outright in a BN zone and therefore the zoning code for the city does not prohibit such a use from being developed on the subject property. The subject property is not located in an officially designated scenic area nor has the area been designated as an environmentally sensitive one, so that no special precautions are deemed necessary beyond the normal protections of the zoning code. The proposed development will not preempt property that would be otherwise utilized for a park, abuts the more intensive service station use, and is bounded on two sides by heavily traveled streets. Consequently, it is not reasonably foreseeable that the proposed action will have any significant impact on the environment.

Decision

The appeal is DENIED and the determination of the Superintendent of Buildings is affirmed.

Entered this 28th day of October,
1976.


John L. Hendrickson
Deputy Hearing Examiner