

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

In the Matter of the Appeal of

BRUCE WYLIE, et al.

FILE NO. W-77-003

from an environmental determination
of the Superintendent of Buildings

This matter is remanded to the Superintendent
for the preparation of an environmental
impact statement.

Introduction

The appellants, Bryce Wylie, et al., filed an appeal from a declaration of non-significance prepared by the Superintendent of Buildings, hereinafter Superintendent, with regard to a proposed action to demolish a building known as the Fremont Hotel at 3415-29 Fremont Avenue N. and 621 N. 35th Street.

The appellants exercised their right to appeal pursuant to Section 20, Ordinance 105735.

Parties to the proceeding were the appellants represented by Frank Chopp and A. Stepanian, and the Superintendent represented by Ted Gacek.

This matter was heard before the Hearing Examiner on March 17, 1977.

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 subject property consists of an irregularly shaped parcel of land containing about 18,000 square feet that is located on the southwest corner of Fremont Avenue N. and N. 35th Street in the Fremont area of the city. Developed on the property is a large two-story structure of precast concrete stonework known as the Fremont Hotel.

2. The building has over 4,000 square feet of floor area and part of the structure has been damaged by fire and is boarded up. The second floor is vacant. The first floor is occupied by several small businesses including a restaurant and antique store.

3. The Fremont area of the city developed as a separate residential community in the late 1890's and early twentieth century. The Fremont Hotel and surrounding structures reflect the architectural style and development of the time and give Fremont its unique character. The Fremont Hotel is located in the main intersection of the area and a sister building is located across the street. A study of the Fremont area by the Historical Seattle Preservation and Development Authority states that due to its central location and dominant position, the Fremont Building (Hotel) is a keystone in the central townscape.

4. The Landmarks Preservation Board has reviewed the Fremont Hotel and has the structure under study for designation

as an historic landmark. Earl Layman, an architect and expert on historic preservation, stated that in his opinion the Fremont Hotel is very important with regard to its relationship to the other structures and streets in the Fremont area and that destruction of the building would physically and visually destroy the intersection.

5. The Fremont Hotel has been the subject of a long history of attempts at rehabilitation. Ronald F. Namtvedt, who owns an apartment structure in the Fremont area, now holds a sheriff's sale certificate and several priority redemption rights on the property and has requested a delay in any final decision on the matter until his property ownership can be clearly established.

6. In 1973 the Superintendent determined that the building was unfit for human habitation and ordered it repaired or demolished. The Superintendent is now proceeding with plans to demolish pursuant to Chapter 27.32 of the Housing Code.

7. The appellants in an appeal filed February 17, 1977, allege that the declaration of non-significance prepared by the Superintendent is inadequate and an environmental impact statement should be prepared. The appellants take specific exception to several of the responses contained in the environmental checklist. The appellants allege that the proposed demolition would significantly alter the land use and that an aesthetically offensive site would be created by the removal of the building. With regard to archaeological and historical considerations, the appellants allege that the building has significant historical value to both the neighborhood and the city.

Conclusions

1. The WAC Guidelines (197-10-360) require the Superintendent in evaluating the environmental checklist to determine whether the proposal will result in a significant adverse impact on the environment. The Supreme Court has said that the word "significantly" means any action taken toward the environment which has the reasonable probability of having more than a moderate effect on the quality of the environment. Norway Hill v King County Council, 87 Wn 2d 267 (1976).

2. In this case the proposed demolition is not of a large magnitude but it is significant with regard to the key location of the building in the Fremont area and its probable effect on the quality of the environment. The record contains undisputed references to the dominant and key location of the Fremont Hotel in the central townscape of Fremont. Due to its location the building, constructed in 1901, is of vital importance to the preservation of the historical and architectural character of the Fremont area. Although the Fremont Hotel has not been officially designated as an historic landmark, there is sufficient evidence in the record to indicate that the building has historical value and the Landmarks Preservation Board is studying the building for possible designation.

3. Under the circumstances of this case, the demolition of the Fremont Hotel in all reasonable probability would significantly affect the environment and therefore an environmental impact statement is required.

4. The purpose of the SEPA provisions is to assure that environmental values will be given full consideration before an irrevocable governmental decision is made. In this case with the preparation of an environmental impact statement all relevant environmental factors can be considered,

including specifically the historical value of the structure, and the impact of its removal on Fremont. Under the impact statement requirements, the Superintendent will also have an opportunity to consult with the Landmarks Preservation Board in his evaluation.

5. Due to the fire damage that occurred in the building several years ago, the concern of the Superintendent with regard to the public safety is recognized. In the event there should be any further deterioration in the building or the discovery of new hazards, the Superintendent has the option of exercising his authority pursuant to Section 6 of Ordinance 105735, which provides an exemption for emergency action.

Decision

This matter is remanded to the Superintendent for the preparation of an environmental impact statement.

Entered this 1st day of April, 1977.



William N. Snell
Hearing Examiner