

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

In the Matter of the Appeal of

CITIZENS FOR A BETTER YOUNGSTOWN

FILE NO. W-78-001

from an environmental determination
of the Superintendent of Buildings

The appeal is DENIED and the decision of the
Superintendent of Buildings is AFFIRMED.

Introduction

W. Chamberlain, represented by Howard Dong, an architect, proposes to construct a three-story, 9-unit apartment building. Parking for nine vehicles would be provided. The property is located in a low density apartment zone (RM 800) at 3001 S.W. Avalon Way.

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

This matter was heard before the Hearing Examiner on March 2, 1978.

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. A declaration of non-significance prepared by the Superintendent was filed with the SEPA Public Information Center on January 10, 1978. The Superintendent found that the subject proposal had been determined not to have a significant adverse impact upon the environment and that an environmental impact statement was not required.

2. In a letter received on January 24, 1978, the appellants, Citizens for a Better Youngstown, filed a timely appeal. The appellants alleged that the following items were inadequately considered: surface drainage problems in the area; the additional apartment and condominium buildings being constructed in the nearby area; and the traffic count and evaluation.

3. Subsequent to the filing of the appeal, the Superintendent stated that new information had become available concerning the water runoff problem. In order to meet the new problem relating to combined sewer overflows, a condition was imposed that the applicant construct a facility for on-site storm water retention. The Superintendent determined, however, pursuant to WAC 197-10-375 that this new information would not require the preparation of an environmental impact statement.

4. Two multiple residential structures are being constructed across Avalon Way S.W. from the subject property. One of the buildings contains 15 units and the other 16 units. The Superintendent's representative stated that she was aware of these additional 31 units being constructed in the RM 800 zone and that the cumulative impact would not require the preparation of an environmental impact statement.

5. Item 13 of the environmental checklist considers the effect of the proposal on traffic and circulation. A memorandum from Noel F. Schoneman of the Engineering Department (exhibit 9A) is part of the record and states that the development could potentially furnish less than half of the needed off-street parking spaces.

6. A representative of the Superintendent conducted several on-site field inspections during both daytime and evening hours to document any parking and traffic problems in the area. The inspection revealed that on-street parking was available. See exhibits 10a, 10b, and 10c.

Conclusions

1. An environmental impact statement is required by the State Environmental Policy Act (SEPA, RCW 43.21c) only when there is a major action significantly affecting the quality of the environment. The Supreme Court, in establishing a guideline as to what is "significant", has held that "the procedural requirement of SEPA...should be invoked whenever more than a moderate effect on the quality of the environment is a reasonable probability." Norway Hill v. King County, 87 Wn2d 267, 522 P.2d 674 (1976).

2. The purpose of SEPA is to provide full disclosure of environmental impacts so that governmental bodies will have adequate environmental information to consider in making decisions. However, a detailed environmental analysis (impact statement) is not required in every case. The type of impacts anticipated in this case are not the type which have generally led to the requirement of an impact statement. In Norway Hill v. King County supra, an impact statement was required where the project involved 52.3 acres of heavily wooded land and the establishment of 198 lots for the construction of single-family dwellings. An impact statement was required in Swift v. Island County, 87 Wn.2d 348, 552 P.2d 197 (1976) where the proposed residential development would conflict with nearby wildlife, historic and recreational uses. The fact that a proposal is not large in scope does not mean that an impact statement would not be required but the above cases do illustrate the type of general situations in which impact statements are required.


3. After reviewing the evidence in this case, it is concluded that the construction of the proposed apartment building will have less than a moderate effect on the quality of the environment. The Superintendent has acknowledged surface drainage as an adverse impact and has imposed a mitigating condition requiring on-site storm water retention. Although on-street parking may become less readily available, there is no substantial evidence to show that this is a significant adverse environmental impact.

4. The proposed project is relatively small in size (9 units). It is located in an apartment zone that is developed with multiple residences. The building will front on a community arterial. Considering the above factors, the Superintendent had a sufficient basis to find that the proposed project would not have any significant adverse impacts and no environmental impact statement is required.

Decision

The appeal is DENIED and the decision of the Superintendent of Buildings is AFFIRMED.

Entered this 20th day of March, 1978.



William N. Spell
Hearing Examiner

Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination and any further appeal must be made to the courts.