

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

THE FORGOTTEN NEIGHBORHOOD

FILE NO. W-79-031

from an environmental determination
of Building Department

The appeal is DENIED and the Decision
of the Building Department is affirmed.

Introduction

The Forgotten Neighborhood, appellant, filed an appeal of the Building Department's issuance of a declaration of non-significance for a proposal to demolish or relocate 13 single family dwellings and construct a meat processing facility at 3801-55 Courtland Place South.

The appellant exercised its right to appeal pursuant to Section 20 of the SEPA Ordinance (105735, as amended).

Parties to the proceeding were: The Forgotten Neighborhood by Elizabeth Young; Building Department represented by Charles D. Brown, assistant city attorney; Ed Banchemo, project proponent, represented by Stephen J. Crane, Crane, Carroll, Boese and Dunham, attorneys at law.

This matter was heard before the Hearing Examiner on October 8, 1979.

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. Ed Banchemo proposes to demolish or relocate 13 single family residences and construct a building for his meat processing business, E and E Meats, on property at 3801-55 Courtland Place South.

2. The subject property consists of 15 lots with frontage on the west side of Courtland Place South and abutting upon an alley in the rear. The northernmost lot has frontage on South Charlestown Street and the southernmost has frontage on South Andover.

3. The subject site is presently a part of a General Commercial (CG) zone which extends to the west and northwest. The site is the subject of a Department of Community Development rezone petition (X-79-340) which requests that the property be reclassified Multiple Residence Low Density (RM 800).

4. Across Courtland Place South to the east is a Single Family Residence High Density (RS 5000) zone. The Courtland Place South blockfront facing the subject site is developed with single family residences and one duplex.

5. To the west of the subject site, across the alley, is property, owned by Banchemo, developed with an IGA super-market, restaurant and liquor store. That property fronts on Rainier Avenue South.

6. The 13 single family residences on the subject site have been allowed to deteriorate. The proponent has given a church the right to attempt to relocate the structures elsewhere. One structure has been relocated.

7. The proposed structure would be centrally located on the block and 10 ft. from the east property line. It is to be one-story (approximately 22 ft.) high and cover 50,660 sq. ft.

8. Access to the site would be from South Andover, South Charlestown and from the west. No driveways would be from Courtland Place South. No loading docks or other building openings would be located on the east side of the structure.

9. A 10 ft. wide landscape buffer would be located along Courtland.

10. Mr. Banchemo's business involves supplying local enterprises with single portion servings of meat which his employees have prepared from larger pieces. No live animals would be on site nor would there be slaughtering of animals.

11. Company-owned trucks ranging from 3/4 - 1.5 tons now deliver the meat and approximately 3 large trucks per day bring meat to the plant between the hours of 7 and 9 a.m. at the current place of business and the same level would be expected at the subject site. The total number of truck trips per day is expected to be no more than 16. The business employs 40 persons with a potential to generate 80 trips per day, all during peak periods.

12. The Building Department issued a proposed DNS after investigation and request for and receipt of more information. A final DNS was filed September 10, 1979.

13. Appellant filed letters of appeal asking that an environmental impact statement be required because of additional noise and traffic, reduction of property values, cost of paving Courtland Place, loss of housing, aesthetics and conflict with the neighborhood plan.

14. The Building Department acknowledged in the DNS adverse impacts of the project on land use, housing, and transportation/circulation but found them not significant.

15. The Building Department had not investigated the potential for noise impacts from refrigeration units on trucks. Assurance was given at hearing that noise from the building's refrigeration and truck units would be minimal and certainly within ordinance limits.

16. The appellants offered no evidence as to loss of property values.

17. The surface of Courtland Place is seal-coated and nothing indicates that new paving would be required.

18. The environmental specialist considered impact on aesthetics. She found that the building would not be greatly out of scale because of Darigold and other large structures in the area, the height proposed is far under that permitted, landscaping is to be provided and in accord with Department standards. From that she concluded that while some residents of the area would prefer a return to residential use, the project would not be aesthetically offensive.

Conclusions

1. An environmental impact statement is required by the State Environmental Policy Act (SEPA) only when there is a major action which would have a significant adverse impact on the environment. The Court, in establishing a guideline as to what is significant, has held that the "procedural requirements of SEPA... should be invoked whenever more than a moderate effect on the quality of the environment is a reasonable probability." Norway Hill Preservation and Protection Assn. v. King County Council, 87 Wn.2d 267 (1976).

2. Section 20(4), Ordinance 105735, as amended, provides that the determination by the Department is to be accorded substantial weight and places the burden of proof on the appellant to establish the contrary.

3. The appellant has not sustained its burden.

Decision

The appeal is DENIED and the decision of the Building Department is affirmed.

Entered this 18th day of October 1979.

M. Margaret Klockars
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Deputy 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 appeal to the Superior Court should be filed within 20 days of the date of this decision. Vance v. Seattle, 18 Wn. App. 418 (1977).