

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

In the Matter of the Appeal of

**FRANK RUSSELL FOR MARK BLOOME**

FILE NO. MUP-87-064(P)  
APPLICATION NO. 8703875

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

**PROCEDURAL SYNOPSIS**

This matter, concerning proposed subdivision of land addressed as 4751 W. Ruffner Street, came on for appeal hearing before the undersigned on February 3, 1988.

On February 18, 1988, the undersigned entered a decision which remanded the application to DCLU for specific file supplementation.

The February 18, 1988 decision stated that appellant would have seven days within which to specify objections to the DCLU supplemental decision.

The DCLU supplemental decision was issued and mailed August 4, 1988. The Hearing Examiner received no objection or request for further consideration from appellant.

After due consideration of the evidence of record, including the DCLU decision of August 4, 1988, the Hearing Examiner enters the following Findings, Conclusions, and Decision.

**Findings of Fact**

1. Except as specifically amended hereby, the Hearing Examiner's Findings of Fact entered in this case February 18, 1988 are restated and incorporated herein by reference as if fully set forth herein.

2. The Hearing Examiner remand required that DCLU consider sample test borings for particular areas of the site. Supplemental test borings for proposed parcels A and B indicated no groundwater table and moderately dense sand. The June 1, 1988 submittal of the May 16, 1988 soils engineer report also indicated a "minimal risk of instability on the site or on adjacent properties." The Hearing Examiner finds in accord with the DCLU report of the soils analysis that the subdivision and development proposal will not be harmful to adjoining or nearby properties.

3. The Hearing Examiner remand required submittal of an emergency vehicle access, approved by the Seattle Fire Department, for the three parcels, A, B and C. On July 7, 1988 DCLU received from the applicant three alternative emergency access plans. Per DCLU, the plans show 20 ft. - wide roadways in W. Ruffner. DCLU subsequently imposed the following as a "Condition of Approval Prior to Issuance of Building Permits for Parcels A and/or B:"

1. The Seattle Fire Department shall confirm in writing to DCLU that the W. Ruffner Street improvements per plan approved July 6, 1988 by the Chief of the Fire Department have been constructed and all requirements per Seattle Fire Department letter of June 3, 1988 have been met.

**Conclusions**

1. Except as specifically modified herein the conclusions

of the Hearing Examiner of February 18, 1988 are restated and are incorporated herein by reference as if completely set forth.

2. As amended by the DCLU decision of August 4, 1988 the DCLU decision should be affirmed pursuant to Seattle Municipal Code 23.24.040. The public use and interest will be served by the proposed subdivision. Section 23.24.040(A)(4). The proposal will facilitate increased in-city housing opportunities. The record reflects that adequate emergency access measures will be required and that the proposal should have minimal soil stability or other negative effects on adjacent properties.

Decision

The DCLU decision is AFFIRMED, with the following modification:

Prior to issuance of building permits for Parcels A and B, DCLU shall have in hand a written confirmation from the Seattle Fire Department that the W. Ruffner St. improvements, per plans approved July 6, 1988 by the Chief of the Seattle Fire Department, have been constructed and that "all requirements per Seattle Fire Department letter of June 3, 1988 have been met."

Entered this 22nd day of August, 1988.

  
LeRoy McCullough  
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 party's request for judicial review of the decision must be by application to King County Superior Court for a writ of review within fifteen calendar days of the date of this decision. Seattle Municipal Code Section 23.76.22(C)(12)(c).

If the Superior Court orders a review of the decision the person seeking review must arrange for and bear the cost of preparing a verbatim transcript of the hearing, but will be reimbursed if successful in court. Instructions for preparation of the transcript are available from the Office of Hearing Examiner, 400 Yesler Building, Seattle, Washington 98104, (206) 684-0521.