

LAND USE/SEPA DECISION APPEAL FORM

It is not required that this form be used to file an appeal. However, whether you use the form or not, please make sure that your appeal includes all the information/responses requested in this form. An appeal, along with any required filing fee, must be received by the Office of Hearing Examiner, not later than 5:00 p.m. on the last day of the appeal period or it cannot be considered. Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.

APPELLANT INFORMATION (Person or group making appeal)

1. Appellant:

If several individuals are appealing together, list the additional names and addresses on a separate sheet and identify a representative in #2 below. If an organization is appealing, indicate group's name and mailing address here and identify a representative in #2 below.

Names:

Trevor Cox
1629A 42nd Ave East, Seattle WA 98112
Trevor@trevorcox.com
415-699-4226

Jake Weyerhaeuser
1629B 42nd Ave East, Seattle WA 98112
Jweyerhaeuser@gmail.com
253-232-4931

2. Address

Name: Trevor Cox

Address: 1629 42nd Ave East, Seattle WA 98112

Phone: 415-699-4226

Email: trevor@trevorcox.com

3. Authorized Representative:

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Name: Trevor Cox

Address: 1629 42nd Ave East, Seattle WA 98112

Phone: 415-699-4226

Email: trevor@trevorcox.com

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One: *Email Attachment*

DECISION BEING APPEALED

1. **Decision appealed** (Indicate MUP #, Interpretation #, etc.): _____
2. **Property address** of decision being appealed: Madison Park generally and specifically to 42nd Ave East, 98112 between East Blaine Street and East Garfield Street ("42nd Ave East"),
3. **Elements of decision being appealed.** Check one or more as appropriate:
 - Design Review and Departure
 - Conditional Use
 - EIS not required
 - Major Institution Master Plan
 - Variance
 - Adequacy of EIS
 - Interpretation (See SMC 23.88.020)
 - Short Plat
 - Rezone
 - Other (specify): Please see attachment for additional information

APPEAL INFORMATION

Answer each question as completely and specifically as you can. Attach separate sheets if needed and refer to questions by number.

- 1. What is your interest in this decision? (State how you are affected by it)

See Attachment _____

- 2. What are your objections to the decision? (List and describe what you believe to be the errors, omissions, or other problems with this decision.)

See Attachment _____

- 3. What relief do you want? (Specify what you want the Examiner to do: reverse the decision, modify conditions, etc.)

See attachment _____

Signature _____

Date _____

Deliver or mail appeal and appeal fee to:

MAILING ADDRESS: City of Seattle
Office of Hearing Examiner
P.O. Box 94729
Seattle, WA 98124-4729

PHYSICAL ADDRESS:	<i>SEATTLE MUNICIPAL TOWER 700 5th Avenue, Suite 4000 40th Floor Seattle, WA 98104</i>
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Note: Appeal fees may also be paid by credit or debit card over the phone (Visa or MasterCard only).

Phone: (206) 684-0521

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www.seattle.gov/examiner

BEFORE THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In Re: Appeal by

Trevor Cox, as an individual

Jake Weyerhaeuser, as an individual

of the City of Seattle Office of Planning and Community Development's Environmental Impact Statement (EIS) for the One Seattle Plan.

NOTICE OF APPEAL

I. INTRODUCTION

Appellants Trevor Cox and Jake Weyerhaeuser are residents of Seattle who will be significantly and adversely impacted by the proposed rezoning changes under the One Seattle Plan. The City's decision to proceed with rezoning without proper environmental review is inconsistent with state law and does not adequately mitigate known impacts.

They live in and owns property in the Madison Park neighborhood that is being upzoned or that is adjacent to and/or near property that is being upzoned by the One Seattle Plan. He will suffer land use, traffic, stormwater, tree, view, and other impacts if the legislation is adopted. He and family (including small children) also use and enjoy the beaches in our neighborhood and swim in the lake at those locations that will be adversely impacted by increased pollutants in the water caused by the upzone.

This appeal is broken down into two separate parts: (1) related specifically to 42nd Ave East, 98112 between East Blaine Street and East Garfield Street ("42nd Ave East"), and (2) generally for the neighborhood of Madison Park.

The Environmental Impact Statement (EIS) issued for the One Seattle Plan fails to provide an adequate, detailed analysis of the impacts of rezoning, including infrastructure capacity, water drainage issues, environmental protections, and neighborhood equity considerations. The City has prioritized increased development capacity over sound planning and environmental compliance. The EIS does not satisfy the requirements of the State Environmental Policy Act (SEPA) and must be revised to ensure a thorough and legally compliant review of the impacts of the proposed zoning changes.

II. APPELLANT INFORMATION

1. Appellant:

Name: Trevor Cox
Address: 1629A 42nd Ave East, Seattle, WA 98112
Phone: 415-699-4226
Email: trevor@trevorcox.com

2. Decision Being Appealed:

Appellant is appealing the City of Seattle Office of Planning and Community Development's decision that the Environmental Impact Statement (EIS) for the One Seattle Plan is adequate.

3. Property Address of Decision Being Appealed:

The study area includes both the Madison Park neighborhood as a whole and 42nd Ave East, which has distinct characteristics and challenges.

4. Elements of Decision Being Appealed:

- Lack of Sufficient Notice under the Law
- Consistency with Washington State Electric Mandate
- Adequacy of EIS
- Environmental Review Compliance
- Consistency with Growth Management Act
- Infrastructure and Public Services Impact
- Harm to Madison Park and Seattle Residence, and Fish, Wildlife, the Environment
- Lack of High-Capacity Transit to Support Increased Density
- Environmental Concerns: Tree Canopy
- Environmental Infrastructure Constraints
- Inadequate Consideration of Lot Sizes and Building Form
- Inadequate Traffic and Parking Analysis

III. GROUNDS FOR APPEAL

A. General Appeal Grounds

1. Lack of Sufficient Notice Under the Law

The failure to notify the public properly not only violated state and local laws, but also violated constitutional rights to due process.

Insufficient Notice of the to the Issuance of the Draft EIS and the Comment Period of the draft EIS. Insufficient Notice to the Issuance of the EIS and the Comment Period to the EIS. The release of the EIS failed to provide sufficient notice to involve the public in the SEPA process and not commensurate with the type and scope of the EIS and the One Seattle Plan. Not notice of the draft EIS was sent to neighborhood organizations or the residences to allow for feedback from the public. Notice was only posted on the OPCD website and their Facebook page for an April 11 session and a deadline of early May for comments. And again, there was insufficient notice of the release of the EIS- only through their website and with minimal notice to the public with an inadequate period for appeal to the EIS to allow for sufficient responses. This inadequate notice fails to comply with SEPA requirements in WAC 197-11-560, violating state and local laws and our members' constitutional rights to Due Process.

2. Conflict with Washington State Electric Vehicle Mandate

The One Seattle Plan will cause significant adverse pollution impacts and the City has failed to adequately disclose and assess those impacts.

The EIS fails to address the conflict between the proposed rezoning and Washington State's mandate for a transition to electric vehicles (EVs). The proposed zoning changes reduce parking availability and fail to consider the need for EV charging infrastructure in new housing developments. Without adequate parking and charging access, residents will be left with limited options, effectively forcing them to rely on gas-powered vehicles despite state policies aimed at phasing them out. The lack of planning for EV infrastructure in the EIS constitutes a significant oversight that must be addressed.

B. General Concerns for Madison Park

The following relates to Madison Park generally and also applies to 42nd Ave East

1. Failure to Comply with the Growth Management Act (GMA)

The One Seattle Plan will cause significant adverse traffic impacts and the City has failed to adequately disclose and assess those impacts.

Under the GMA, growth must be supported by adequate infrastructure. Madison Park is effectively a peninsula, bounded by water on two sides and with Broadmoor acting as a third barrier. There is only one primary roadway in and out—already strained by choke points at Lake Washington Blvd and Madison Valley. Significantly increasing density here would overburden this single corridor. There is no viable infrastructure expansion plan to accommodate the proposed rezoning.

Further, with the proposed Madison Valley Neighborhood Center, the Montlake Neighborhood Center, and the First Hill / Capital Hill development, the One Seattle Plan has blocked Madison Park from any meaningful access to other infrastructure. The One Seattle Plan adds density and traffic to infrastructure that simply wasn't built for this. Pushing this much traffic through limited city roadway violates the GMA.

Achieving concurrency under the GMA would require an enormous infrastructure overhaul. The inability to feasibly expand transportation and utility infrastructure to support the density in Madison Park suggests that this proposal is out of step with GMA requirements.

2. Environmentally Critical Area-Like Conditions

The One Seattle Plan will cause significant adverse environmental impact, and the City has failed to adequately disclose and assess those impacts.

The proposed high-density growth in Madison Park ignores the fact that much of the area targeted as a Neighborhood Center is built on lake bottom clay of Lake Washington (after the lake bottom was dropped 9 feet with the ship canal construction).

The soil composition of Madison Park is primarily clay, and poses significant challenges for drainage. When new homes are constructed, often replacing older, smaller homes, the water runoff from impervious surfaces such as roofs is directed onto the streets due to the lack of storm sewers.

This issue has already resulted in street flooding during heavy rains, with water pooling in low-lying areas. Increasing density without addressing these drainage and infrastructure concerns will only amplify these problems, creating an unsustainable and hazardous situation for residents and visitors alike.

3. Harm to Madison Park and Seattle Residence, and Fish, Wildlife, the Environment

The One Seattle Plan will cause significant adverse health and environmental impact, and the City has failed to adequately disclose and assess those impacts.

Madison Park lacks sufficient drainage already- with sanitary sewers, but not storm sewers, resulting in overflow in the streets and washing into the lake, and ultimately into Puget Sound. The contamination of the water endangers public health, and fish, wildlife, the environment, including the salmon population.

According to the Seattle Public Utilities website:

In some parts of Seattle, sewage and stormwater (rain) share a set of pipes; this is called a combined sewer. During heavy rains (What? Rain? Here?) the water often exceeds the pipes' capacity (known as an overflow to us sewer nerds), sending untreated sewage (yep, that means poop) and stormwater into the [Ship Canal]. These overflows can harm fish, wildlife, the environment and can contain pollution.

According to a former Department of Ecology employee who lives in Madison Park, Madison Park has the combination sewers and raw sewage (poop) is dumped into Lake Washington on a regular basis less than .2 miles from Madison Park Beach, one of the most popular beaches in Seattle.

As we understand it, Madison Park Beach had an increase in raw sewage (poop) dumped into Lake Washington, since the new apartments were added near Canterbury Shores apartments in Madison Park, and we've had more beach closures in the last few years due to the sewage, even when rain isn't happening. Specifically, the Madison Park Beach was closed for several weeks this summer 2024 due to bacterial contamination from sewage overflows into the lake.

Presumably, adding significantly more people to Madison Park will lead to exceeding pipe capacity on a regular basis, with additional harm the public health, fish, wildlife, the environment and contain pollution.

More specifically, our children and many other people swim in this water. Adding more raw sewage to the water near a public beach should not be allowed.

4. Lack of High-Capacity Transit to Support Increased Density

The One Seattle Plan will cause significant adverse traffic impact, and the City has failed to adequately disclose and assess those impacts

The EIS fails to consider the lack of high-capacity transit in Madison Park. The area is served by the #11 bus, which does not qualify as a Bus Rapid Transit (BRT) line until Madison Valley. The City's justification for rezoning based on proximity to transit is flawed, and increasing density without improved public transportation options will create additional traffic congestion.

5. Environmental Concerns: Tree Canopy

The One Seattle Plan will cause significant adverse environmental impacts and the City has failed to adequately disclose and assess those impacts

The EIS does not properly analyze the impact of increased density on the area's tree canopy and stormwater management. The scale of increased density construction will result in more impervious surfaces, more runoff, removal of essential tree canopy and contra to Seattle's Urban Forest Management Plan of 2020.

The One Seattle Plan will cause significant impact to the tree canopy in our neighborhood. The footprint of LR 2 and LR3 multi-family residences reduces the permeable surface for each lot from 35% to 20% and with little room for significant trees to grow. Already Madison Park has experienced significant reduction of tree canopy as newer larger multi-family homes and larger single residences sacrifice established trees for no replacement or only small trees that will take decades to grow- if even possible in the narrow footprints. The EIS glosses over these issues and provides no mitigation solutions to control developer's ability to reduce the tree canopy and only gives other than generic promises for new trees

6. Failure of Adequacy of the Report

The One Seattle Plan will cause significant impact to our specific community yet at no point in the 1300 pages of the EIS is Madison Park and its unique location addressed. Madison Park is part of Zone 5, which includes Capitol Hill, First Hill and the Madison-Miller corridor- none of which are on lake front/ECA land needing to address water pollution, environmental consequences of increased density and lack of infrastructure and limited transit options available. All of these other neighborhoods are drive-through and not with limited access in-and-out of the community.

C. Specific Concerns for 42nd Ave East

1. Environmental Infrastructure Constraints

The One Seattle Plan will cause significant adverse environmental impact and the City has failed to adequately disclose and assess those impacts.

42nd Ave East is situated in a low-lying area with natural drainage challenges, including underground water streams combined with a high lake water table. The EIS does not adequately address groundwater issues that have already resulted in basement flooding and water management problems. Increasing density through LR3 zoning would exacerbate these issues.

42nd Ave East is uniquely situated in a valley, with 43rd Ave to the east and McGilvra Blvd / 41st Ave to the west, both sitting at higher elevations. Over the years, as new homes have been built and impervious surfaces have increased, underground streams in the area have been diverted, causing significant water-related issues.

According to Bodine Construction and a Former Department of Ecology employee and life-long resident of Madison Park, there are underground water streams going under the areas around 42nd Ave East. There are specific areas adjacent to 42nd Ave East where construction could not occur due to the underground water streams. The EIS report and the rezoning fail to consider the implications of the underground water stream and the highwater table. According to the Former Department of Ecology employee, the ground

on 42nd Ave East could not handle LR3 construction and the deep foundation required due to the high water table and the lower level of the land of 42nd Ave East.

Additionally, the diversion of underground water flows on 42nd Ave East has already caused basement flooding in multiple existing homes; and increasing the density of development will only exacerbate these problems. Furthermore, the area's sewer infrastructure is already strained, with limited storm sewers to handle increased runoff. Additional impervious surfaces will funnel even more water onto the streets, creating flooding risks and overwhelming our limited capacity to manage drainage.

Prior to any rezoning, at a minimum, the EIS must assess these issues in detail, particularly given the valley-like geography of 42nd Ave East acts as a catchment area for water from surrounding higher elevations. The risk of flooding and property damage will increase significantly if zoning changes allow for larger buildings with minimal infrastructure upgrades.

2. Inadequate Consideration of Lot Sizes and Building Form

The One Seattle Plan will cause significant adverse neighborhood impacts and the City has failed to adequately disclose and assess those impacts

The current lot sizes on 42nd Ave East are not suitable for LR3 development. Many parcels are too small to support multi-story buildings, and the EIS does not account for reasonable local standards for development capacity. This issue should be analyzed separately from broader Madison Park zoning concerns to ensure appropriate planning and mitigation strategies.

Additionally, the City has already rezoned 42nd Ave East in the last decade by adding more density through LR1 zoning. Significant investments have been made by residence into housing consistent with this LR1 zoning. Changing the street zoning to LR3 would cause significant harm to the existing residence.

3. Inadequate Traffic and Parking Analysis

The One Seattle Plan will cause significant adverse traffic impact and the City has failed to adequately disclose and assess those impacts

Parking is already a chronic issue, with distinct concerns in Madison Park overall and additional strain along 42nd Ave East due to its proximity to businesses and recreational areas. Increased density will lead to further strain on available parking and congestion on the limited road network. The EIS fails to adequately analyze these impacts or propose viable mitigation measures.

IV. RELIEF REQUESTED

The requested relief addresses both general Madison Park concerns and specific issues affecting 42nd Ave East.

Appellant requests that the Hearing Examiner remand the EIS to the City with instructions to prepare a Supplemental EIS that:

The requested relief addresses both general Madison Park concerns and specific issues affecting 42nd Ave East. Given the legal deficiencies and environmental concerns outlined above, the EIS must be reevaluated and corrected to ensure compliance with SEPA and other applicable laws.

The requested relief addresses both general Madison Park concerns and specific issues affecting 42nd Ave East.

Appellant requests that the Hearing Examiner remand the EIS to the City with instructions to prepare a Supplemental EIS that:

1. Conducts a full and detailed environmental impact analysis that addresses Madison Park's infrastructure constraints, water drainage issues, and potential stormwater and sewage impacts on Lake Washington.
2. Provides a legally compliant analysis of traffic, parking, and transit limitations, including a review of the lack of high-capacity transit in the area and its implications for increased density.
3. For 42nd Ave East, keep the existing LR2 designations as LR2 zoning, keep the existing LR1 designations as LR1 zoning, and only change the rest of 42nd Ave East to LR1.
4. Analyzes the equity impacts of the proposed zoning changes and ensures that lower-income residents are not disproportionately affected.
5. Fully considers compliance with the Growth Management Act, evaluates the feasibility of infrastructure upgrades necessary to support increased density, and ensures that planned growth does not exceed the capacity of existing roads, utilities, and emergency services

Filed on behalf of Trevor Cox this 12th day of February, 2025.

By:

Trevor Cox\
Appellant\
1629A 42nd Ave East, Seattle, WA 98112

[End of Document]