

1
2 BEFORE THE HEARING EXAMINER
3 FOR THE CITY OF SEATTLE

4 In the Matter of the Appeal by
5 FRIENDS OF MADISON PARK, et al.
6 APPELLANTS
7 From Friends of Madison Park
8

Case No.: W-25-001, et. al
RESPONSE TO MOTION TO DISMISS

9
10 **EXEMPTION OF THE ONE SEATTLE PLAN TO SEPA APPEAL**

11 Response to Motion to Dismiss on grounds that state law exempts the One Seattle
12 Plan from appeals.

13 Although it is correct that RCW 43.21C has been enacted to remove many
14 barriers to housing posed by SEPA appeals, that is not a blanket exemption:
15

16 "(1) Projects that are proposed within an urban growth area, that are consistent
17 with comprehensive plans, and that do not have significant adverse environmental impacts may
18 be exempt from further environmental review under this chapter." RCW 43.21C.229

19
20 "(1)(b) A project action that is consistent with a planned action ordinance adopted
21 under this section shall not be subject to appeals under this chapter, if it does not have probable
22 significant adverse environmental impacts that were not adequately addressed in the planned
23 action environmental statement." RCW 43.21C.440.

24 The Washington State Department of Ecology's guidance on implementing RCW
25 43.21C.229 emphasizes the necessity for local jurisdictions to conduct thorough analyses and
26

1 engage in comprehensive public outreach when adopting new SEPA categorical exemptions.
2 WAC 197-11-444. RCW 43.21C.030(c)(i)(ii).

3 As Friends of Madison Park stated in our Appeal, there are “probable” and
4 “significant” impacts in the increased units proposed by the One Seattle Plan. Our neighborhood
5 is the sole Neighborhood Center situated on the shores of Lake Washington; our neighborhood is
6 already dealing with public health concerns from beach closures and partial combined sewer and
7 stormwater systems that are not updated and can overflow into the lake- jeopardizing the health
8 of beachgoers, fish and wildlife.

9 Further, if a **SEPA determination does not properly analyze stormwater**
10 **runoff, wastewater discharge, or mitigation measures**, the adequacy of the environmental
11 review can be **challenged before the Hearing Examiner**. Seattle Stormwater Code (SMC
12 22.800-22.808) and SMC 25.05.

13 At no point, does the DEIS or FEIS address the concerns about runoff, discharge
14 or mitigation measures with any specificity to the Madison Park neighborhood, Lake
15 Washington at Madison Park Beach or North Madison Park Beach and the proposed upzoning of
16 the One Seattle Plan.

17 The “probable significant adverse impacts” along Lake Washington mandates a
18 focused, detailed analysis and public outreach of Madison Park before implementing the
19 neighborhood designation in the One Seattle Plan and does not fall within the exemption of
20 SEPA appeals.

21 **STANDING LOST SINCE FOMP DID NOT COMMENT ON THE DEIS**

22 Friends of Madison Park comes before the Hearing examiner as a group of
23 neighbors, of individual homeowners and renters who are not part of an organization tracking the
24

1 city's moves or the limited outreach attempts of OPCD to post the DEIS in rarely used sources-
2 such as "Seattle Services Portal, Land Use Information Bulletin and the Daily Journal of
3 Commerce". Nor would we likely be seeing the "FEIS uploaded on the State SEPA Register"
4 (cited on pages 3 and 4 of the City Attorney's motion).

5
6 I have been president of Friends of Madison Park since June of 2023. Our website
7 www.friendsofmadisonpark.com. is readily found if you google Madison Park. Our Newsletter is
8 published biweekly with over 1,000 subscribers. We were never contacted about the One Seattle
9 Plan or the DEIS or the Revised plan in October of 2024. Certainly, there was never any
10 outreach concerning the DEIS.

11
12 Despite my request for a meeting with myself and the community in April 2024,
13 there was never any outreach from OPCD to call for a neighborhood meeting to explain the Plan
14 or review the DEIS and impacts in our community- even though we had already been designated
15 as a Neighborhood Center. There were never any public notices posted in Madison Park, no
16 notice in the Madison Park Times, nor emails nor snail mail to any of the residents impacted by
17 the zoning changes.

18
19 I learned of the One Seattle Plan in a happenstance conversation, searched out
20 and attended an informational meeting at Bryant-Ravenna neighborhood in April of 2024. I
21 picked up every promotional flyer available- from the "stations" set up in the Eckstein School
22 gym. There was not a single mention of the existence of the DEIS or a limited timeline to
23 comment on it. There were no maps specific to what the Neighborhood Center boundaries or
24 zoning changes would be. Nor did anyone speak on the DEIS.

25
26 After reviewing the handouts, I emailed Michael Hubner at OPCD on April 29th
27 to request a Zoom call and/or meeting with specific times suggested. He said we would "find a
28

1 time to chat” but wanted me to submit a comment on the zoning plan. I did submit a comment on
2 the public review at OPCD on May 1, 2024, asking for a neighborhood meeting and our
3 eagerness “to collaborate with your department and the One Seattle Plan.” (exhibit 1- Comment).
4 I never saw or was told that there was a DEIS that required a separate system for comment.
5 (exhibit 2- Emails with OPCD’s Michael Hubner).
6

7 I also emailed OPCD in October 2024 when the maps and the revised One Seattle
8 Plan were issued and requested a meeting with our community, but that request was declined.
9 Additionally, I requested an extension of the comment period on the FEIS as deadline was
10 December 20th when the comment period was so short and coming at the Holidays. That too was
11 declined.
12

13 WAC 197-11-510 requires that the “lead agency must use reasonable methods to
14 inform the public...that environmental document is being prepared or available and that public
15 hearings(s), if any will be held.” Examples of “reasonable” methods to inform the public include:
16

17 “(c) Notifying public or private groups with a known interest in a certain proposal
18 or in the type of proposal being considered”.

19 Every resident of Madison Park has a “known interest” in the implementation of
20 the One Seattle Plan and public engagement becomes even more essential when property rights
21 and significant environmental concerns are impacted.
22

23 Further, the City argues that FOMP is precluded from Appeal because the DEIS
24 and FEIS preparations are “nonproject actions”. The necessity of the EIS as a precursor to any
25 implementation of the One Seattle Plan is at its very core an **action required for the project** of
26 the One Seattle Plan. The EIS is intended to address every element of the environmental impact
27 from the air and water quality, stormwater, historic, transit and cultural issues. The EIS is not
28

1 simply about adopting ordinances and regulations but a necessity to inform and educate the
2 public and decision makers before it is approved by the City.

3
4
5 **THE FEIS FAILS TO ANALYZE THE ENVIRONMENTAL IMPACTS OF**
6 **THE REVISED ONE SEATTLE PLAN**

7 The FEIS is based significantly on the original model of the One Seattle Plan
8 (March 2024) of 120,000 additional units. The plan was then amended in October of 2024 to
9 increase housing from 120,000 to 330,000 new units under the Preferred Plan. The premise of
10 the Draft Environmental Impact Statement- especially as it relates to the capacity of wastewater
11 and stormwater- was not altered and does not automatically adapt to this significant almost triple
12 increase and impact- especially when development is taking place on the lake's clay bottom of
13 Madison Park and overflow will significantly affect Lake Washington, public safety, fish and
14 wildlife.
15

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17
18 **THE ONE SEATTLE PLAN'S GOALS ARE FOURFOLD**

19 The City argues that the Housing Element of the One Seattle Plan and the
20 proposed growth strategy implements the increased housing capacity in keeping with HB110 and
21 does not impact the ECA areas and is not at odds with the Shoreline Master Program.
22

23 Friends of Madison Park hopes that premise is correct but cannot accept at face
24 value that is the case.

25 The topography of the neighborhood (clay lake bottom when Lake Washington
26 was dropped 9 feet for the Montlake Cut), the long term impact of several high-rise and over the
27 lake developments that were allowed in the 1960's and '70's along the shoreline of Lake
28

1 Washington in Madison Park, and the existing issues of bacteria in the lake, plus the unknown
2 specifics of how the stormwater and wastewater will be updated to meet this additional housing-
3 mandate that the environmental concerns must be addressed before the One Seattle Plan is
4 implemented.
5

6 Our Discovery Requests are at the heart of trying to be sure that these concerns
7 are specifically addressed by a Supplemental EIS. This is not just a Shoreline Management issue-
8 the environmental impact of the Plan is irreversible to the shoreline if the development greater
9 than 30' further from shore is not considered. Each of our Requests seeks clarification and plans
10 to mitigate these concerns going forward.
11

12 The One Seattle Plan lays out its Four Key Moves:

- 13 1. Housing and Affordability
 - 14 2. Community and Neighborhoods
 - 15 3. Equity and Opportunity
 - 16 4. Climate and Sustainability
- 17

18 The City focuses in their brief on Key Moves 1 and 3 but does not address 2 and
19 4- equally important in moving ahead with the One Seattle Plan. Each element must be
20 considered with equal exploration and detail. Madison Park is fortunate to be a walkable
21 community and already has previously been designated an Urban Village and now, a
22 Neighborhood Center.
23

24 FOMP is presently partnered with Seattle Parks Department to create a cultural
25 and community hub and improve our well-loved beach and park. We agree with increased and
26 affordable housing for Seattle and our designation as a Neighborhood Center- but want to
27

1 proceed cautiously that this increased development is not at the expense of our water, our air, our
2 green spaces, our climate.

3
4
5 **CLAIFICATIONS ON FOMP (W-25-001) OBJECTIONS**

6 Friends of Madison Park agrees to objections 1-8 be limited to issues for Madison
7 Park. We do, however, join with our consolidated appellants to object to Lack of Notice, and
8 Inadequacy of the Final Environmental Statement to address with specificity the increased
9 Preferred Planned Housing Increase to 330,000 units.

10
11
12 **CONCLUSION**

13 The DEIS and FEIS are lengthy and filled with colorful charts and many details.
14 Friends of Madison Park would argue, however, that neither EIS did an adequate analysis of the
15 unique concerns and the significant and probable environmental impacts in specific to Madison
16 Park, making this an exception to barring SEPA Appeals under RCW 43.21C.229 and
17 RCW 43.21C.440.

18
19 Further, dismissing FOMP’s right to be heard as a lack of “standing” issue, is a
20 Due Process violation and a misreading of the mandate that the City make “reasonable” efforts to
21 inform the public. WAC 197-11-444. RCW 43.21C.030(c)(i)(ii).

22
23
24
25 Dated this 17th day of March 2025.

26 *Octavia Chambliss*

27 president@friendsofmadisonpark.com

From: Octavia Chambliss <president@friendsofmadisonpark.com>
Sent: Monday, April 29, 2024 5:08 PM
To: Hubner, Michael <Michael.Hubner@seattle.gov>
Subject: Madison Park Neighborhood Neighborhood Center

CAUTION: External Email

Hi Michael-

I am the president of our neighborhood association- Friends of Madison Park- and attended the Informational Session at Eckstein Middle School last week. We briefly spoke about the impact of the One Seattle Plan on Madison Park.

I have been reviewing your handouuts and online information since that evening and am presenting this information to our neighborhood meeting tonight. As I have read, I have come to the realization that what you are hoping to create in the One Seattle Plan is closely aligned with much of what Friends of Madison Park is hoping to achieve in our community's public spaces and business area.

Our neighborhood does not have a community center and our beach, which is heavily used by people from all over the city, is in need of major improvements. We have formed a committee to see if we could propose to the City creating a community center in the existing older Bathhouse at Madison Park Beach and enhancing the surrounding beach and park for better public use.

You are in your planning stages, as are we, and it seems to make sense to consult/collaborate on what might be feasible for improved public spaces that benefit and welcome all, specifically in Madison Park.

I know you expect push-back from every neighborhood that is impacted by the One Seattle Plan, and I do expect there will be a number of concerns raised from Madison Park as well.

That said, we would like to be the neighborhood that works with your department, and we see this as a wonderful opportunity to make one of the few open acceses to Lake Washington, a hub for improvements and livability that will benefit our neighborhood and beyond.

I recognize that this is one piece in a complex comprehensive plan, but it seems a key component and before we approach the zoning and shoreline deaprtments, we would love to talk with the Office of Planning and Community Development to explore how our goals might match up with yours and if we can work together to meet those goals.

Is there an hour that we could meet? I am happy to come to you or we have a Zoom call soon? Please let me know your thoughts and we can go from there.

thanks so much- Octavia

Octavia Chambliss
president@friendsofmadisonpark.com
206-295-2979
www.friendsofmadisonpark.com

On May 14, 2024, at 3:08 PM, Hubner, Michael <Michael.Hubner@seattle.gov> wrote:

Octavia,

Thanks for reaching out. Appreciate the forward thinking that your group is doing. I apologize for not replying earlier. I heard that you more recently reached out to let us know that some community members had voiced questions about the Draft One Seattle Plan. We are very much prioritizing getting the right information out to the public so that they may make informed comment during our comment period (which ends May 20). Information about how to submit comments is on our project website [here](#).

I am available to chat about what you are hearing and how we can respond with info that is helpful. Let me know what times might work for you.

Alternatively, I can respond to any questions you can provide in writing over email, so that you can forward to your networks.

Finally, please bear in mind that there will be a second round of community engagement later in 2024 regarding a more specific zoning proposal.

Look forward to hearing from you,
Michael

<image002.png>Michael Hubner (he/him)
Long Range Planning Manager
City of Seattle [Office of Planning and Community Development](#)
P: 206.684.8380 | C: 206.573.3223 | michael.hubner@seattle.gov
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From: Octavia Chambliss <president@friendsofmadisonpark.com>
Sent: Tuesday, May 14, 2024 4:37 PM
To: Hubner, Michael <Michael.Hubner@seattle.gov>
Subject: Re: Madison Park Neighborhood Neighborhood Center

CAUTION: External Email

Hi Michael-

Thank you so much for returning my email. I would love to have a conversation about concerns voiced at the neighborhood evening and about our goals for our neighborhood.

It likely is best to have a Zoom call for starters though I would love to have you come to Madison Park if that is an option for you- if not initially, sometime.

I am gone for a few days next week but here are some options for me to chat and let me know what works best for you.

Thursday May 23 and Friday May 24- I am available until 2:30 both days

Wednesday May 29th- I am available until 12:30

Thursday May 30th- I am available until 11:30

I look forward to connecting. Thanks so much-

Octavia

Octavia Chambliss

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On May 14, 2024, at 5:00 PM, Hubner, Michael <Michael.Hubner@seattle.gov> wrote:

Octavia,

I'm sure we can find a time to chat.

But first, I also want to make sure that if there is input from the Friends of Madison Park community that those can get communicated to the City by end of day Monday.

Have you already submitted a comment letter? (I haven't seen it, but we do have a lot.) Comments are also welcome from individuals, of course.

Michael

From: Octavia Chambliss <president@friendsofmadisonpark.com>

Sent: Monday, October 28, 2024 3:15 PM

To: Hubner, Michael <Michael.Hubner@seattle.gov>

Subject: Re: Madison Park Neighborhood Neighborhood Center

Hi Michael-

I am reaching out again as the revisions for the One Seattle Plan have recently come out. On the last go-round, I did submit feedback for the planned changes for our community of

Madison Park. And then honestly failed to follow up for us to meet- family matters had my full attention for the summer.

I am still hoping that we can connect to review the latest plan's impact on our neighborhood. I am not sure if you are doing any individual neighborhood meetings and if we could invite you to speak at our December 2 community meeting to answer questions. The Information Sessions are so packed and I know many in our neighborhood would appreciate understanding what the impact for us is here and then they can more accurately send in comments.

Would that be possible for you to speak on Monday December 2 in Madison Park- our meetings begin at 6:30.

In the meantime, if we could have a Zoom call, I would greatly appreciate that opportunity as well.

Let me know what is possible for you. I am available this week and next.

thanks so much- Octavia

On Oct 29, 2024, at 1:03 PM, Hubner, Michael <Michael.Hubner@seattle.gov> wrote:

Octavia,

Thank you for reaching out, and I appreciate Friends of Madison Park's interest in the One Seattle Plan and zoning legislation to implement that plan.

To ensure fair access and make the most of staff time, we're focusing on citywide and council district wide engagement rather than attending individual neighborhood meetings. We are hosting seven in-person Information Sessions—one in each Council District—as well as two online sessions--and strongly encourage your members and other neighbors to attend to engage OPCD staff during these engagement opportunities. The D3 Information Session will be held on 11/7 at Washington Hall Ballroom and will feature enlarged zoning maps on the zoning changes in this district. Additionally, OPCD staff will be available during virtual Office Hours to address individual questions. We encourage Madison Park residents to attend events, where there will be opportunities for face-to-face discussions.

You can find more details about the sessions and virtual Office Hours on the Zoning Update site, and our project email, oneseattleplan.zoning@seattle.gov, is available for any specific follow-up questions. We are strongly encouraging any group or individual with specific questions about the proposal to reach out via our project email; we have dedicated staff who are working extremely hard to clarify details and provide answers, and we would love to connect in this way.

Thank you again for your engagement, and we hope to see you at one of the upcoming sessions.

Best regards,

Michael

<image003.png>Michael Hubner (he/him)

Long Range Planning Manager

City of Seattle [Office of Planning and Community Development](#)

P: 206.684.8380 | C: 206.573.3223 | michael.hubner@seattle.gov

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Hi Michael-

I have heard this request from other neighborhood associations and definitely in our community- Is it possible to push out the deadline for comments to January 20th? The deadline is coming when so many are preoccupied with the holidays, traveling and honestly, just feel like they are learning about the details of the plan. This deadline was not well publicized in advance and so we, as others are scrambling to get informed and sort through constructive comments and possible amendments to the proposal.

Is this possible? Would it make a difference if many of the neighborhood associations shared their concern about the deadline being right before Christmas and Hanukkah.

Thanks so much- Octavia

Octavia Chambliss

president@friendsofmadisonpark.com

206-295-2979

www.friendsofmadisonpark.com

Octavia,

Unfortunately, no, the deadline for written comment on the draft zoning proposals will remain 12/20. We are working toward meeting state deadlines in 2025 and we need to move final proposed legislation to Council starting in early 2025. Please work to get comments in this week. Bear in mind that once the legislation goes to Council, that the public will have additional opportunities to provide comment at public hearings and to reach out to your Councilmember. Phase 1 zoning legislation will be considered by Council in second quarter 2025 and Phase 2 zoning (Neighborhood Centers and transit corridors) will be considered by Council in the second and third quarters of the year.

I hope this helps.

Regards,
Michael

Michael Hubner (he/him)

Long Range Planning Manager

City of Seattle [Office of Planning and Community Development](#)

P: 206.684.8380 | C: 206.573.3223 | michael.hubner@seattle.gov

Neighborhood Centers

Neighborhood Centers are places with a diversity of housing options located around a locally focused commercial core and/or access to frequent transit. Neighborhood Centers in many cases represent the core of a neighborhood providing shops, services, grocery stores, restaurants, and other businesses that residents need to access on a regular basis. These areas provide an opportunity for people to access everyday needs within a short walk or bike ride from their homes. Allowing more housing in these areas can increase opportunities to live in complete connected neighborhoods, strengthen local businesses districts, and help people reduce reliance on cars.

Neighborhood Center Map, Figure 7 (right)

POLICIES

- GS 5.1 Designate as Neighborhood Centers areas with a locally focused commercial core and/or access to frequent transit where diverse housing options could allow more people to live within walking distance of shops, services, transit, and amenities.
- GS 5.2 Allow a diversity of housing, institutional, service, retail, and entertainment uses in Neighborhood Centers. Focus non-residential uses primarily in the core office developments in these areas.
- GS 5.3 Zoning in Neighborhood Centers should generally allow buildings of 3 to 6 stories, especially 5- and 6-story residential buildings to encourage the development of apartments and condominiums.
- GS 5.4 Deter Demographic Questions Elements Full Document al conditions, but

Comments View all

Hide

Commenting is closed for this document.

Octavia Chambliss May 1 2024 at 12:06PM

Madison Park is eager to collaborate with your department and the One Seattle Plan. Our neighborhood is a full mixture of single family homes, apartment and condo complexes with a thriving business area within walking distance for the community. We have a large apartment complex, with Edgewater Apartments, plus a number of apartments situated on 42nd E and 43rd Ave E- within walking distance to the business area- so we feel like we do have "affordable" housing for all ages mixed in with some very expensive private residences. What we lack is a community center that is available to our neighborhood. Our Madison Park Beach is also a destination for many surrounding communities. We are excited to work with the planning department to pinpoint upgrades to this well-loved beach and renovate the Bathhouse (built in 1910) to create a community hub for events, classes, gatherings. Is there a chance to meet with our committee or have someone attend a neighborhood meeting?

View all