

1 SEATTLE HEARING EXAMINER

2
3 In the Matter of the Appeal by
4 QUEEN ANNE COMMUNITY COUNCIL
5 From a determination of non-significance
6 issued by the Office of Planning and
Community Development

Hearing Examiner File
No. W-16-004

QUEEN ANNE COMMUNITY
COUNCIL'S CLARIFICATION OF
ISSUES

7 Pursuant to the Prehearing Order, the Queen Anne Community Council (QACC)
8 clarifies its issues on appeal to include the following

- 9
- 10 1. Was the Determination of Non-Significance rendered without actual
11 consideration of environmental factors?
 - 12 a. Were the two public information meetings sufficient to allow OPCD to give
13 actual consideration to the impacts of the proposed legislation upon the
14 affected communities and neighborhoods, considering that 50% of Seattle
land area, 120,000 individual private properties, and over 30
neighborhoods would be affected by the proposed amendments?
 - 15 b. Would OPCD's responses to questions within Part B of the Environmental
16 Checklist have contributed meaningfully to the analysis of the proposal?
 - 17 c. Did OPCD consider the maximum potential development allowed by the
18 proposed zoning amendments?
 - 19 d. Is OPCD's analysis of potential impacts of the proposed legislation
substantiated by supportive opinion and data?
 - 20 e. Is the record upon which the DNS was rendered sufficient to demonstrate
21 *prima facie* compliance with SEPA's procedural requirements?
 - 22 f. Based upon its decision making record, can OPCD carry its burden of
23 demonstrating actual consideration of environmental factors?
 - 24 2. By rendering a threshold determination on the proposed accessory dwelling unit
25 and detached dwelling unit (ADU/DADU) amendments in isolation, and not
considering them in conjunction with other proposals of the Mayor's action items
from the HALA recommendations and by not considering them in conjunction
with the Comprehensive Plan update, did OPCD's SEPA review improperly

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segment environmental review of the proposal, thereby preventing the consideration of cumulative impacts?

3. By failing to study, develop and describe alternatives to the proposed ADU/DADU amendments, was the DNS rendered in violation of RCW 43.21C.030(2)(e)?

QACC supports these issues with citations to its Notice of Appeal and legal authorities set forth within its prior Opposition to the City's Motion to Dismiss.

Should any of its issues be dismissed prior to the hearing, QACC would reserve its right to make an offer of proof on those issues.

Dated this 19th day of July, 2016.

ARAMBURU & EUSTIS, LLP

By 

Jeffrey M. Eustis, WSBA #9262

DECLARATION OF SERVICE

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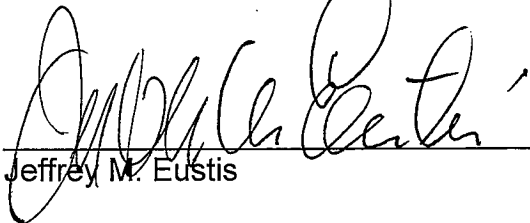
I am a partner in the law offices of Aramburu & Eustis, LLP, over eighteen years of age and competent to be a witness herein. On the date below, I served copies of the foregoing document upon parties of record, addressed as follows:

Nick Welch
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 first class postage prepaid,
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Geoff Wentlandt
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

DATED: July 19, 2016.



Jeffrey M. Eustis