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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In Re: Appeal by
Fremont Neighborhood Council
of the City of Seattle Citywide
Implementation of Mandatory Housing
Affordability (MHA) Final Environmental
Impact Statement

NOTICE OF APPEAL

I. INTRODUCTION

Appellant Fremont Neighborhood Council (FNC) is a non-profit corporation incorporated in 1980 in Washington State. Anyone residing within the geographic boundaries of the Fremont neighborhood (Fremont) of the City of Seattle is entitled to pay nominal dues and vote on membership of the board of directors who manage the activities of the FNC. The geographic boundaries of the Fremont Neighborhood for this purpose are North 50th Street on the north, Stone Way North on the east, Lake Union and the Lake Washington Ship Canal on the south and 8th Avenue Northwest on the west.

Under its bylaws, the purposes of the FNC are:

- (a) To promote the orderly and comprehensive enhancement, preservation and improvement of the neighborhood;
- (b) To initiate or respond to actions which affect the physical, social, educational and economic betterment of the neighborhood;
- (c) To encourage the participation of Fremont residents in decisions affecting their neighborhoods;
- (d) To encourage cooperative and democratic processes; and
- (e) To communicate with, cooperate with and support as appropriate government agencies, private or public organizations and individuals with objectives similar to this organization.

1 FNC supports the concept of increased density in order to accommodate increased
2 population in the City of Seattle. FNC supports the broad goal of increasing affordable housing and
3 livability in the City of Seattle and particularly in Fremont. Many members of FNC have worked for
4 decades with the City to plan for growth productively. They have dedicated countless volunteer
hours towards developing, creating, and commenting on the preparation and implementation of the
Fremont Neighborhood Plans, all in the interest of doing urban planning right.

5 The City's approach with the Mandatory Housing Affordability (MHA) program has been
6 focused purely on increasing housing development capacity, not good land use planning. The City
7 has disregarded the Fremont Neighborhood Plan except insofar as it needed to amend it undo
8 provisions included after lengthy community discussions and negotiations with the City. The City
9 has not engaged in any meaningful, targeted, Fremont specific planning or collaboration throughout
10 the entire HALA/MHA process. Now we have an FEIS that reinforces this approach. Rather than
disclosing and studying the unique impacts to Fremont or any other of the City's neighborhoods or
11 communities, the FEIS provides a non-specific summary of the existing environment, impacts, and
mitigation for a generic urban village. The City's approach to environmental review mirrors its
complete lack of thoughtful land use planning throughout the entire HALA/MHA process.

11 II. APPELLANT INFORMATION

12 1. Appellant:

13 Name: Fremont Neighborhood Council
14 Address: 3518 Fremont Ave. N, #111
15 Seattle, WA 98103
16 Phone: none
17 Email: fremont@louploup.net

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

19 Check One: _____ U.S. Mail _____ Fax ___X___ Email Attachment

20 2. Authorized Representative:

21 Name Toby Thaler
22 Address PO Box 1188, Seattle, WA 98111-1188
23 Phone:: (206) 697-4043
24 Fax: none
25 Email: toby@louploup.net

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

Check One: _____ U.S. Mail _____ Fax ___X___ Email Attachment

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III. DECISION BEING APPEALED

1. **Decision Appealed:** FNC is appealing the City of Seattle Office of Planning and Community Development’s decision that the Environmental Impact Statement (EIS) for the Citywide Implementation of Mandatory Housing Affordability (MHA) dated November 9, 2017 (hereinafter referred to as the “MHA FEIS” or the “FEIS”) is adequate.

2. **Property address of decision being appealed:** The study area for the MHA FEIS includes existing multifamily and commercial zones, areas currently zoned Single Family Residential and other areas in Seattle. Approximately half of Fremont’s geographic area is in zones that the City proposes to change under the proposed action.

3. **Elements of decision being appealed. Check one or more as appropriate:**

- | | |
|--|---|
| <input checked="" type="checkbox"/> Adequacy of conditions | <input type="checkbox"/> Variance (Departures) |
| <input type="checkbox"/> Design Review and Departure | <input checked="" type="checkbox"/> Adequacy of EIS |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Interpretation (See SMC 23.88.020) |
| <input type="checkbox"/> EIS not required | <input type="checkbox"/> Short Plat |
| <input type="checkbox"/> Major Institution Master Plan | <input type="checkbox"/> Rezone |
| <input type="checkbox"/> Other (specify:) | |

IV. APPEAL INFORMATION

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

As indicated in the introduction, FNC exists to promote the wellbeing of Fremont residents as well as to advocate for the conservation and improvement of their quality of life. In addition, FNC exists to advocate for more democracy and public engagement in the way the City makes decisions that impact the lives of Fremont residents. The City’s proposed action to increase the density of housing in Fremont without adequate mitigation or concurrency of infrastructure needed to maintain a high quality of life as urban density increases will adversely impact thousands of Fremont residents. In addition, the top down, disempowering decision making process used by the City will adversely impact the ability of residents of Fremont to advocate for City policies and actions that will protect and promote their interests.

FNC has undertaken numerous and expensive actions to promote the inclusion of affordable housing in Fremont. The City’s proposed action will result in a net decrease in affordable housing Fremont. The City’s proposed action will undermine FNC’s ability to advocate for policies and actions that will lead to a diverse demographic—economic and racial—in Fremont. The City’s action leads directly toward Fremont as an enclave for the wealthy along with many tiny dwelling units (SEDUs and Apodments) for students, single people, and low wage workers. The City’s actions are hollowing out the middle class in Fremont.

1 The FEIS issued by the Office of Planning and Community Development on November 9,
2 2017 does not abide by SEPA rules and fails to adequately disclose and analyze the significant
3 adverse impacts that the MHA Program will have on FNC, its members, and the Fremont
4 community. The FEIS failed to discuss reasonable alternatives that could accommodate the
planned growth and generate more rent assisted housing and affordable housing with less adverse
impacts to the quality of life of people who live in the Fremont and Seattle.

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

7 A. FNC is a participant in a broad appeal of the adequacy of the final MHA EIS brought under
8 the name of the Seattle Coalition for Affordability, Livability and Equity (SCALE). FNC incorporates
9 the issues set forth in the timely filed Notice of Appeal by Seattle Coalition for Affordability,
Livability, and Equity (SCALE). All such issues remain part of FNC's appeal until dismissed by
motion or dismissed by the the Hearing Examiner.

10 B. The City constrained the range of alternatives by improperly narrowing the definition of
11 the objective (also called purpose and need) for the proposed action. This narrowing was
12 accomplished in large part by segmenting SEPA consideration of the MHA framework (SMC
13 chapter 23.58C) into a checklist and determination of non significance (DNS) dated June 8, 2015
that fails to consider any of the likely impacts of the City's actions. That SEPA checklist and DNS
explicitly disclaim any intent to pursue specific actions addressed in the FEIS at issue here.


14 C. The City improperly constrained the range of alternatives by failing to properly invoke
15 and apply SEPA phased review rules.

16 **3. Relief Requested.**

17 FNC requests that the Hearing Examiner remand the FEIS to the City with instructions to
18 prepare a Supplemental EIS(s) as necessary to adequately address the environmental impacts and
19 needed mitigation for a reasonable range of alternatives, including an assessment of the impacts
and potential mitigations associated with the Fremont neighborhood that is impacted by the
20 proposal.

21 Filed on behalf of the Fremont Neighborhood Council this 27th day of November, 2017.

22 By: 
23 _____
Toby Thaler, Board President.

24 And by: 
25 _____
26 Toby Thaler
Attorney-at-Law (WSBA 8318)

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