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OFFICE OF HEARING EXAMINER

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.

Name MORGAN COMMUNITY ASSOCIATION (MoCA)
Address c/o: 6043 48th Ave SW
Seattle WA 98136
Phone: ~~Work~~: 2069402255 Home: — NA —
Fax: — NA — Email Address: c/o djb124@earthlink.net

In what format do you wish to receive documents from the Office of Hearing Examiner?
Check One: _____ *U.S. Mail* _____ *Fax* __X__ *Email Attachment*

2. **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 Deb Barker, MOCA PRESIDENT
Address 6043 48th AVE SW
SEATTLE WA 98136
Phone: ~~Work~~: 206 940 2255 Home: 206 935 3592
MOBILE
Fax: — NA — Email Address: djb124@earthlink.net

In what format do you wish to receive documents from the Office of Hearing Examiner?
Check One: _____ *U.S. Mail* _____ *Fax* __X__ *Email Attachment*

DECISION BEING APPEALED

1. **Decision appealed** (Indicate MUP #, Interpretation #, etc.): City of Seattle Citywide Implementation of Mandatory Housing Affordability (MHA) FINAL ENVIRONMENTAL IMPACT STATEMENT
2. **Property address** of decision being appealed: -CITYWIDE-
3. **Elements of decision being appealed**. Check one or more as appropriate:

__X__ Adequacy of conditions	_____ Variance
_____ Design Review and Departure	__X__ Adequacy of EIS
_____ Conditional Use	_____ Interpretation (**See SMC 23.88.020**)
_____ EIS not required	_____ Short Plat
_____ Major Institution Master Plan	_____ Rezone
_____ Other (specify: _____)	

(over)

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 attached

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 attached

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

   See attached

Signature Deb Barker Date Nov. 27, 2017

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:
SEATTLE MUNICIPAL TOWER
700 5th Avenue, Suite 4000
40th Floor
Seattle, WA 98104

Note: Appeal fees may also be paid by credit or debit card over the phone (Visa or MasterCard only).

Phone: (206) 684-0521 *Fax: (206) 684-0536* *www.seattle.gov/examiner*

MORGAN COMMUNITY ASSOCIATION (MOCA)
APPEAL TO THE CITY OF SEATTLE HEARING EXAMINER
OF THE CITY OF SEATTLE CITYWIDE IMPLEMENTATION OF
MANDATORY HOUSING AFFORDABILITY (MHA)
FINAL ENVIRONMENTAL IMPACT STATEMENT

APPEAL INFORMATION

1. WHAT IS YOUR INTEREST IN THIS DECISION?

Morgan Community Association (MoCA) is a grassroots neighborhood association of residents, business persons, property owners and other stakeholders focusing on the future of the Morgan Junction neighborhood, including the Morgan Junction Urban Village. Our primary purpose is to make Morgan Junction a better place to live, work, shop and enjoy.

MoCA believes that Morgan Junction and its Urban Village will be adversely affected by the November 9, 2017 City of Seattle MHA/FEIS, due to the City's one-size fits all approach to Urban Village and land use planning, the City's rejection of the existing Morgan Junction Neighborhood Plan, and the City's failure to adequately engage with the Morgan Junction community or adequately address identified impacts throughout the entire HALA/MHA process.

MoCA is further alarmed by the FEIS assertion that the greatest potential for significant adverse land use impact occurs in single family areas that are rezoned to higher intensities, and that those Urban Villages with greater quantities of single family zoning could experience more local land use impact. With over 50% of the Morgan Junction Urban Village currently zoned single family, MoCA is aware that this Urban Village will have more negative impacts as a result of MHA. Despite the warning, the FEIS fails to identify land use impacts for the Morgan Junction Urban Village or offer any mitigation.

2. WHAT ARE YOUR OBJECTIONS TO THE DECISION?

1 of 6. Morgan Community Association (MoCA) adopts and incorporates by reference, as its own, each and every issue raised in the Notice of Appeal filed by Seattle Coalition for Affordability, Livability and Equity (SCALE). Each such issue raised will remain an issue raised by MoCA until and unless MoCA or the Hearing Examiner affirmatively dismisses such issue raised with respect to MoCA.

In addition, MoCA finds that the FEIS decision is deficient and a violation of SEPA due to the following:

2 of 6. Under the FEIS Preferred Option, a Pedestrian overlay zone is now imposed along California Ave SW within the Morgan Junction Urban Village. The City failed to disclose the addition of this overlay zone during any of the HALA/MHA public process, and it was never mentioned in depictions of Alternative 2 or Alternative 3. As a result, no analysis of the impacts of this overlay has ever been conducted, nor have the Pedestrian overlay limitations been disclosed. The Pedestrian overlay zone limits land uses that are key to the Morgan Junction Urban Village, and West Seattle community. Further, owners of these businesses have not been notified of this overlay limitation. This Pedestrian overlay should not be imposed without a thorough community specific public process.

3 of 6. The Morgan Junction Urban Village already contains a number low income resources that will face ultimate displacement. The proposed MHA mitigation fee fails to ensure a return of the affordable housing resources to the location from where it was removed. The Seattle Office of Housing criteria listed for redevelopment funding does not guarantee that affordable housing will be returned **TO** the neighborhood, just **NEAR** the neighborhood, further compounding the impacts of displacement on the Morgan Junction

Urban Village. As noted in our DEIS comments, MoCA believes that MHA fees should be returned to the Urban Village or neighborhood where they were generated.

4 of 6. The FEIS is focused on a one-size fits all Urban Villages solution and, as a result, dismisses key goals and policies of the Morgan Junction Neighborhood Plan that are relevant to the Morgan Junction community. The FEIS failed to identify tools and methodology that have long been used by OPCD to review and revise Neighborhood Plan goals and policies. MoCA has continued to request that any changes to our Neighborhood Plan incorporate formal neighborhood planning tools and methodology along with decent neighborhood oriented outreach.

5 of 6. Under the existing zoning, Morgan Junction will exceed HALA density goals without upzones yet both the DEIS and the FEIS fail to acknowledge any other way of achieving housing goals within existing zoning designations other than the upzone. This lack of any alternative actions to the HALA goals will result in further adverse impacts to community displacement that are not addressed by the FEIS. All of the land inside the Morgan Junction Urban Village that is currently zoned single family is proposed to be upzoned by one or more categories. This includes many housing units that are family sized, entry level, and affordable. Morgan Junction has already seen the following advertisement: *"RARE 7 PARCEL ASSEMBLAGE MARKETED AS A DEVELOPMENT OPPORTUNITY IN ADVANCE OF REZONING FROM SF TO LR3"* offered for $5.6 Million, and creating 148 apartments or 30 townhomes where there are currently seven modest single family homes. This "type" of displacement is not recognized by the FEIS which statement that "MHA is designed to address the critical housing needs of low income populations." The narrow scope of any displacement impacts and related mitigation in the FEIS is unconscionable and illogical because an impact is an impact is an impact.

6 of 6. During the DEIS, MoCA commented that it failed to address Washington State Ferry (WSF) related impacts on the existing transportation grid of the Morgan Junction Urban Village as well as the West Seattle Junction Triangle Urban Village. In their FEIS reply, the authors stated that the FEIS includes Ferry data. Following a thorough search, MoCA concludes that the FEIS does not contain or disclose any reference to the impacts created by the vehicular traffic coming through the Fauntleroy Ferry Dock in West Seattle. The FEIS states that reducing the share of SOV is key to the Seattle Transportation Strategy, and lists several agencies to partner with in order to effectively address the strategy. But the FEIS omits data from the Washington State Ferry system, who's web site's 2016 report indicates the total (ferry) vehicle traffic for West Seattle was 1,104,990 with an increase of 10% from prior period. It further noted "There is an expectation that Kitsap County will continue to see a moderate increase in population so the commuter traffic can be expected to reflect this change in the future." The FEIS neglects to suggest partnering with the Washington State Ferry system to address an important transportation strategy.

3. WHAT RELIEF DO YOU WANT?

The Morgan Community Association (MoCA) requests that the Hearing Examiner remand the FEIS to the City with instructions to prepare Supplemental EIS(s) as necessary to adequately address the environmental impacts and potential additional mitigations for the items herein raised for the Morgan Junction neighborhood and Urban Village, and other Urban Villages, as relevant.

Also, please impose the following mitigation measure: MHA FEES SHALL BE DIRECTLY RETURNED TO THE SPECIFIC URBAN VILLAGE WHERE THEY WERE GENERATED, BASED ON A PERCENTAGE AMOUNT COMMENSURATE WITH THE PERCENTAGE OF EXISTING SINGLE FAMILY ZONING IN AN URBAN VILLAGE THAT WILL BE UPZONED AT THE TIME OF THE CITY COUNCIL ADOPTS MHA/EIS PROVISIONS. IF THE FUNDS ARE NOT USED WITHIN INSIDE THE RELEVANT URBAN VILLAGE WITHIN TEN (10) YEARS OF BEING GENERATED, THEY SHALL BE FORWARDED TO THE OFFICE OF HOUSING FOR CITYWIDE DISTRIBUTION.