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HEARING EXAMINER

BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In re: Appeal by)
)
FRIENDS OF RAVENNA-COWEN,)
a not-for-profit corporation,)
)
)
Of City of Seattle MHA Final EIS)
(Nov. 9, 2017))
)

NOTICE OF APPEAL

I. APPELLANT INFORMATION

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: Friends of Ravenna-Cowen (a Washington State Not-For-Profit Corporation), Marilyn Spotswood, President
Address: 1721 NE 63rd St., Seattle, WA 98115
Phone: Home: 206-526-9726

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: Judith E. Bendich [Friends of Ravenna-Cowen Board member]
Address: 1754 NE 62nd St., Seattle, WA 98115
Phone: Work: N/A Home: 206-525-5914 Fax: 206-525-5914 Email Address:
jebendich@comcast.net

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

II. DECISION BEING APPEALED

1
2 **1. Decision appealed** (Indicate MUP #, Interpretation #, etc.): City of Seattle Mandatory
Housing Affordability Final Environmental Impact Statement (Nov. 9, 2017) ("MHA FEIS")

3
4 **2. Property Address:** The property address for the MHA FEIS includes existing multifamily
and commercial zones, single family residences, areas currently zoned Single Family Residential
5 and other areas in Seattle. The area in the Ravenna-Cowen neighborhood is primarily zoned
Single Family Residential, but also includes multifamily homes along NE 65th St., and a few
commercial properties.

6
7 **3. Elements of decision being appealed.** Check one or more as appropriate: **Adequacy**
of conditions Variance Design Review and Departure **Adequacy of**
8 **MHA FEIS** Conditional Use Interpretation (See SMC 23.88.020) EIS not required
 Short Plat Major Institution Master Plan **Rezones/upzones proposed under**
9 **MHA FEIS**

10 III. INTRODUCTION

11 Appellant Friends of Ravenna-Cowen is a non-profit corporation organized to protect the
interests of the Ravenna-Cowen neighborhood as a shared community resource for all. The
12 Ravenna-Cowen neighborhood has perhaps Seattle's largest intact area of Craftsman and
Bungalow homes constructed in the early 1900s, as well as other homes more than fifty years
13 old. These homes were considered modest at the time of their construction and up to and through
the 1980s and even later were generally affordable by blue collar and middle class families. The
14 contiguous Ravenna and Cowen Parks have a unique history and are a habitat for a wide variety
of flora and fauna, for example, skunk cabbage (alongside the stream bed), trillium, pileated and
15 downy woodpeckers, barred owls, coopers hawks, and occasionally coyotes. Ravenna
Boulevard, abutting Ravenna and Cowen Parks, which the City recognizes has historical
16 significance, was designed by the Olmstead brothers.

17 The appellant is also a member/appellant of the Seattle Coalition for Affordability, Livability,
18 and Equity, a coalition of neighborhood groups appealing the City of Seattle MHA EIS.
Appellant Friends of Ravenna-Cowen hereby incorporates each issue set forth in the timely filed
19 Notice of Appeal by the Seattle Coalition for Affordability, Livability, and Equity (SCALE); all issues
remain part of Friends of Ravenna-Cowen's appeal until and unless Friends of Ravenna-Cowen, or the
20 Court, dismisses such issues and objections. Appellant Friends of Ravenna-Cowen also hereby
incorporates each issue forth in each timely filed Notice of Appeal filed by other groups and/or
21 individuals who are also members of groups in the SCALE coalition; all issues remain part of Friends of
Ravenna-Cowen's appeal until and unless Friends of Ravenna-Cowen, or the Court, dismisses such issues.
22 (These appellants' names are not known at the time of writing the present appeal because coordination is
not possible within the brief time required to file a notice of appeal. They will be designated at a later
23 date.) Because the City of Seattle MHA FEIS is so voluminous and because it did not undertake
a neighborhood-by-neighborhood analysis of environmental impacts, this appeal also provides
24 supplemental Seattle MHA FEIS issues related to the proposed expansion and up-zoning in the
Ravenna-Cowen community, particularly issues regarding: potential eligibility for inclusion as
25 historically significant homes and structures in the Ravenna-Cowen area, mature tree canopy,

1 critical environmental habitat in Ravenna and Cowen Parks, insufficiency of sewer lines, and
2 green space. Because the time period to respond to and appeal from the voluminous MHA FEIS
3 was so short, various parties with similar issues have not been able to coordinate so as to avoid
4 redundancy. Accordingly, this appeal may also overlap with issues in the SCALE appeal and
5 others' appeals.

6 IV. APPEAL INFORMATION

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

8 The Friends of Ravenna-Cowen reside in this community. The Ravenna-Cowen neighborhood is
9 primarily single-family residential with intact and well-maintained homes. "Ravenna" was
10 initially a village, incorporated in 1906 and then incorporated into the City of Seattle in 1907.
11 Some of these homes are part of original plats from 1909 and earlier. The Ravenna-Cowen
12 neighborhood includes areas that have retained their historic fabric and, like Wallingford, include
13 what several architectural historians also consider one of Seattle's best early twentieth century
14 bungalow neighborhoods. There are numerous buildings in this area that would meet National
15 Historic Register eligibility. These include areas near Ravenna and Cowen Parks. Such historic
16 resources should be considered before up-zoning development that will irreversibly and
17 irretrievably alter architectural integrity. This area includes mature tree cover, some close to 100-
18 years old, as well as a sewer system that is also over 100-years old. The neighborhood is a little
19 over a mile from the University of Washington and until recently had good bus service. And, up
20 until recently, the community's neighborhood businesses included an affordable grocery store (a
21 small QFC) (as opposed to the higher priced Whole Foods), a hardware store, an auto parts store,
22 and a dry cleaning store among other commercial uses. The QFC was displaced by the future
23 light rail station, the hardware store closed down and was later destroyed by fire, and small
24 businesses (most of which had been in this community for decades), were displaced by a frenzy
25 of increased rents. Tenants who rented homes or mother-in-law apartments and lived here for
many years were forced out by sky-rocketing rent increases.

17 Friends of Ravenna-Cowen fully support affordable housing and want increased socioeconomic
18 and diverse housing in their community, particularly since this community is identified as
19 providing better amenities, resources (such as schools) and opportunities. Residents of the
20 Ravenna and Roosevelt neighborhoods volunteered their time and expertise and worked hard on
21 planning for sustainable growth in the Roosevelt Residential Urban Village - some have had
22 many, many years of working in the Roosevelt planning area. Recently, Ravenna and Roosevelt
23 residents worked together with Sound Transit and other agencies to obtain future affordable
24 housing at the Roosevelt light rail station, within the boundaries of the Roosevelt Urban Village.
25 Construction is anticipated to begin in 2020 when construction staging of the station is complete

22 This neighborhood participated in the Seattle 2035 Comprehensive Plan process (adopted in
23 October, 2016), which resulted in limiting the Roosevelt Urban Village to the west side of 15th
24 Avenue NE. A brief history of that process: In two days, over 100 people in the Ravenna
25 neighborhood (predominantly between 15th Avenue NE and 20th Avenue NE) signed a petition
opposing the expansion of the Roosevelt Urban Village between 15th NE and 17th Avenues to the
east and between 65th Street NE and NE 62nd Streets to the south. The Ravenna Bryant

1 Community Association supported the residents' petition and submitted a letter in opposition to
2 the Mayor and City Council, attaching a copy of the petition. Other comments in the process
3 noted that the increased development, up-zoning and permitting of new apartment buildings
4 *within* the confines of the Roosevelt Urban Village already exceeded the housing density set out
5 in the draft 2035 Comprehensive Plan. The sole reason the City gave for this expansion was
6 that, as determined by an algorithm, this area was within a ten-minute walking-distance from the
7 future Roosevelt light rail station (purportedly to be completed in 2021). The City Council
8 rejected the expansion as well as other provisions. (A more detailed description of the process
9 and the specific City proposals rejected by the City Council is described in the attached Exhibit
10 1, June 30, 2017 letter from Judith and Arnold Bendich to Nicolas Welch, which is incorporated
11 by reference.)

12 The Seattle MHA FEIS (Ex.H-70) proposes the nearly identical expansion of the Roosevelt
13 Urban Village sought in the Draft 2035 Comprehensive Plan (up-zone between 15th Avenue NE
14 and 17th Avenue NE to the east and NE 65th St. and NE 62nd St. to the south). The only criterion
15 given is the ten-minute algorithm-walking-distance from the new light rail station. The MHA
16 Final EIS states (p. 246):

17 Seattle 2035 considered expansions of certain urban villages with very good transit service. The Plan
18 includes new land use policies that support aligning urban village boundaries generally with a 10-
19 minute walk of light rail and other very good transit. (GS 1.12)

20 Throughout the MHA FEIS the City repeats these words that "Seattle 2035 considered..." What
21 the City fails to say is that after consideration, the Mayor removed the Roosevelt expansion from
22 the final 2035 Comprehensive Plan, but left in this expansion in the Future Land Use Map.
23 Nowhere in the FEIS does the City mention that the 2035 Comprehensive Plan contains many
24 other criteria which should be considered. The City Council then rejected the City's position to
25 use the 10-minute walk algorithm as a *per se* basis to expand urban villages, rejected the City's
proposal to expand the Roosevelt Urban Village across the east side of 15th Avenue NE, and the
City Council removed this expansion from the Future Land Use Map (FLUM).

17 The MHA Final EIS adopts one-size-fits-all criteria without any underlying analysis of the
18 specific impacts on specific neighborhoods. For the Ravenna-Cowen community implementation
19 would be devastating. A neighborhood of homes over 100-years old would be destroyed, not
20 only in the specific blocks set out in the MHA FEIS but in the future, due to speculators and
21 potential development "creep." The City candidly admits in its FEIS it has not undertaken any
22 review of the environmental impact on tree canopy within the neighborhood, the historic
23 significance of these homes, the decaying sewer infrastructure, nor the impact on Ravenna and
24 Cowen Parks (such as water quality, erosion of the walls of the ravine, loss of flora and fauna
25 habitat, pollution, increased water run-off, etc.) nor the impact on the overall neighborhood.
Destruction of historic homes is irreplaceable. The City has failed for years in its duty to
inventory historic homes and failed to inventory the Ravenna-Cowen neighborhood as part of the
EIS process. The Friends of Ravenna-Cowen represents the interests of this community, wants
to see its unique heritage protected and its parks maintained as pristine, vibrant, and welcoming,
not only for the current residents but for future generations.

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.)

The City of Seattle Office of Planning and Community Development's decision that the MHA FEIS is adequate was made in error and was made in violation of the State Environmental Policy Act (SEPA), RCW 43.21C, Title 25 of the Municipal Code (Environmental Protection "SEPA Rules"), and the current City's 2035 comprehensive Plan for the following reasons:

1. The FEIS does not provide an adequate study of the impacts to each of the neighborhoods in the study area, including the proposed expansion of the Roosevelt Urban Village to the east of 15th Avenue NE. All of the alternatives will cause known direct, indirect, and cumulative impacts that are unique to the Ravenna-Cowen neighborhood, but that are not disclosed or analyzed in the FEIS. The FEIS does not and cannot adequately describe the existing environment for each element of the environment in each of the neighborhoods that are affected by the proposal and it does not adequately discuss reasonable mitigation measures that would significantly mitigate impacts for each element of the environment that are unique to each neighborhood. The FEIS instead provides a non-specific summary of the existing environment, impacts, and mitigation for a generic urban village. The City could provide a village-by-village study if it prepared an EIS for each village or, at least, more than one EIS to cover batches of individual villages. This is not a situation where the City is moving from a programmatic EIS to a site specific EIS and the impacts will be addressed in the latter. These impacts will never be disclosed and analyzed if they are not disclosed and analyzed now. The City's approach illustrates its lack of any targeted, neighborhood specific planning or collaboration throughout the entire HALA/MHA process.

2. The proposal that is the subject of environmental review has not been properly defined. Appendix F, which provides a summary of changes to the land use code that are being proposed, contains a vague and unclear description of some of the changes. For example, that section states that several policies in individual urban villages contained in the Neighborhood Plan policies section of the Comprehensive Plan conflict with elements of the proposed action. Amendments to these policies will be made to remove the potential inconsistencies. The FEIS does not identify which policies conflict with the proposal, nor does it reveal what the amendments would be. That section also provides a vague and ambiguous description of the new and modified development standards that are proposed. With respect to the Comprehensive Plan and the Friends of Ravenna-Cowen, see discussion in Exhibit 1 to this Notice of Appeal.

3. The proposed FEIS does not provide an adequate study, nor indeed any study, of the impact on buildings and areas potentially eligible for historic significance. Despite the requirement that the City has an on-going obligation to identify buildings and areas of historic significance, the City concedes it has done none and has not done any. (MHA Final-EIS, section 3.5.1 (pp. 441- 442) and various responses to comments (*e. g.*, pp.1018-1019). Tellingly, in the proposed budget for 2018, the City requested less than \$20,000 for historic work. The few surveys and buildings the City references in the MHA Final EIS are out of date; some buildings no longer exist. The City is required in the first

1 instance to identify buildings of historic significance in the EIS process; SEPA (chapter
2 RCW 43.21C; WAC-197-11-444(1)(vi); WAC-197-11-960B-13(a) ("over 45 years old
3 listed in or *eligible for listing* in national, state or local preservation registers" (emphasis
4 added)). The City has not complied with this requirement. The City's mitigation proposal
5 – after-the-fact review in the project phase - is not a reasonable mitigation and does not
6 consider the overall effect on and significance of the area outside of the immediate project.

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4. Despite the list of mitigation measures that would be needed to preserve significant
historical areas and buildings, the MHA FEIS paragraph describing significant
unavoidable adverse impacts for historic resources states that "no changes will occur to
existing policies and regulations regarding review historic and cultural resources under
any alternative." Therefore, we cannot expect that there is any intent to actually fulfill the
mitigation measures suggested in the FEIS. For example, without enacting
policy/regulation changes, properties under the current SEPA review threshold would not
be assessed for landmark eligibility per current City regulations; accordingly, stating that
"no significant unavoidable impacts to historic and cultural resources are anticipated under
any of the proposed alternatives" is disingenuous. Given the City's processes there is also
a time lag between when a project is permitted and the City actually adopts legislation, by
which time historically significant homes could be destroyed. The "gap" between non-
project level and project-level SEPA review will cause adverse impacts on, or loss of,
historical and cultural resources on smaller properties that fall below SEPA review
thresholds and will also adversely decrease the historic fabric of some older neighborhood
areas. Additionally, area-wide sections of neighborhoods eligible for historic protection
will not be considered at all. Therefore, the City's mitigation suggestion is unreasonable
and not in compliance with SEPA requirements.

5. The City MHA FEIS treats currently designated buildings or neighborhoods (such as
Montlake) of historic significance differently from future buildings or neighborhoods
areas potentially eligible for listing in national, state or local preservation registers. MHA
FEIS (p.1019) comments from Historic Seattle by Eugenia Woo and City response):

[Comment] The DEIS does not address how future newly-created historic districts would be
treated for MHA purposes.

[Response] Potential future impacts to newly-created historic districts would be considered at an
individual basis at the time of designation. At the time of establishment of any new historic district
an evaluation of how and whether MHA would apply to the area would be conducted. Decision
makers when establishing the new district could elect to apply MHA requirements as they are
applied in other locations, not apply MHA requirements, or apply MHA requirements with
features specific to the newly designated district.

Based on the City's response, those currently designated historic buildings and
neighborhood areas are grandfathered in and cannot be destroyed or up-zoned whereas
newly designated buildings or areas can. There is no rationale given in the MHA Final EIS
for this disparity in treatment, which is arbitrary and capricious and violates SEPA
requirements to identify and protect historically significant buildings in the EIS process
precisely because they are irreplaceable. But even if there were a rationale, the City

1 should be estopped because for years the City inadequately funded and still has not funded
2 surveys to determine the existence of significant historic buildings and areas throughout
3 Seattle. The City continues to deem historical significance insignificant as shown by its
4 past and present lack of funding, This proposed disparity between currently designated
5 and newly designated also violates SEPA notice requirements because the City did not
6 raise it in the draft MHA EIS.

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6. The City has identified the Ravenna-Cowen as one that should include affordable housing due to the opportunities available here. But it has not explained or examined whether affordable housing will be mandated in the proposed Roosevelt Urban Village expansion into the Ravenna neighborhood. Many comments were submitted to the City suggesting how to accomplish the goal of providing affordable housing both within and without urban villages without also destroying the character of the neighborhood and buildings of potential historic significance. Commentators pointed out that there were parcels and areas within this community which could be up-zoned because the property owner had allowed the property to substantially deteriorate; there are vacant lots; there are other existing hidden residences which the City has not included in its study, such as homes subdivided into apartments, mother-in-law apartments, and converted garages. These all exist in the Ravenna-Cowen community, but were not considered as part of the housing stock in the MHA FEIS study. Commentators also pointed out that due to the high land and home costs in the Ravenna neighborhood (close to and over one million dollars per parcel), developers would opt to pay the small percentage of the building cost to the City rather than provide affordable housing units (which are much more expensive than the percentage of building costs when amortized over long-term occupancy). The MHA FEIS is factually deficient because it has not undertaken an economic analysis on a neighborhood-by-neighborhood basis as to where and what types of housing currently exist, how many units have already been permitted, and what is feasible within each community. The MHA FEIS is also deficient because a blanket up-zone that does not require developers to include affordable housing within the development will not accomplish the MHA FEIS purpose, which is to provide individuals with fewer economic resources the opportunity to live in this community.

7. The timing of the City's proposal to expand the Roosevelt Urban Village boundary and its proposal of near identical up-zone boundaries proposed and rejected in the 2035 Comprehensive Plan, using the identical rationale (10-minute walking-distance to future light rail based on an algorithm), strongly suggests the public input was sought solely to give lip service to SEPA requirements. The City already predetermined what it would propose, the nearly identical proposal rejected by the City Council in the 2035 Comprehensive Plan. The City sought public input only because it was legally required to do so. Title 25 of the Seattle Municipal Code, 25.05.02C requires compliance with both "the spirit and letter of the law." In the hearing process the appellant will seek discovery concerning this issue of the City's noncompliance with the SEPA's and the City's public input objectives and intent.

8. As described above the Ravenna-Cowen community has significant tree canopy with many established and old trees. Because the City did not undertake a neighborhood-by-

1 neighborhood review, it has no factual data as to the significant tree canopy that exists.
2 Accordingly, the FEIS does not adequately disclose and analyze the significant tree
3 canopy impacts of the alternatives, including the proposed action.

- 4 a. The FEIS does not adequately disclose and analyze the significant impacts of Alternatives
5 2, 3, and Preferred related to tree canopy, because the FEIS does not provide a baseline
6 against which to measure those impacts. The FEIS does not attempt to quantify the level of
7 tree canopy change that would occur under Alternative 1, which the FEIS identifies as the
8 no-action alternative. The FEIS does claim to quantify the level of tree canopy change that
9 will occur under Alternatives 2 and 3, as well as under the Preferred Alternative, but
10 because there was no quantification of loss under Alternative 1, the FEIS cannot assess
11 how much more or less tree canopy change will occur under the action alternatives
12 compared to what it claims is the no-action alternative. The FEIS therefore has no basis for
13 its conclusion that the action alternatives will have no significant, adverse impact when
14 compared to what the FEIS claims is the no-action alternative. The FEIS fails to adequately
15 evaluate and compare the “no-action” alternative to other alternatives.
- 16 b. The FEIS also fails to disclose and analyze the impact on tree canopy coverage that the
17 proposal will have on zones that receive additional development capacity, but whose zoning
18 designation does not change. The proposal would allow additional height, additional stories,
19 and additional bulk to certain zoning categories, including residential small lot, lowrise,
20 midrise, and highrise residential and commercial and neighborhood commercial zones. Under
21 the proposal, this additional development capacity would not change the underlying zoning
22 designation, yet would cause significant tree loss. The additional height, bulk and development
23 incentivized by the proposal will have additional significant adverse impacts on tree canopy
24 coverage.
- 25 c. The FEIS claims to use the Seattle 2035 Comprehensive Plan and that plan’s EIS as a
basis for its own findings. Yet when analyzing the impacts of the proposal on tree canopy
and open space, the FEIS admits that it is assuming the proposal will result in unspecified
modifications to the Seattle 2035 Comprehensive Plan. The FEIS fails to evaluate how
those modifications to the Comprehensive Plan would affect tree canopy and open space.
Under SEPA rules, when a program is segmented such that a later EIS incorporates an
earlier EIS, as this FEIS does with the Comprehensive Plan EIS, the segmentation must
not be used to avoid present consideration of a program’s impacts. WAC 197-11-060(5).
- d. By proposing (unspecified) changes to the Comprehensive Plan without re-examining the
Comprehensive Plan EIS or analyzing the impact of those changes in the FEIS, the FEIS
runs afoul of this segmentation rule. This segmentation failure applies particularly to the
FEIS’s tree canopy coverage analysis, but it also applies more generally across the FEIS
as a whole. The FEIS claims that the City does not have a threshold for determining
significance of tree loss. The FEIS then concludes that the tree loss anticipated as a result
of the proposal is not a significant impact. In the absence of standards for significance, this
no-significance conclusion lacks any rational basis.

9. As stated above, the Ravenna-Cowen community has sewer lines/pipes that are over
100 years old. One such pipe runs above the Ravenna Park ravine along the northern

1 border of Ravenna Park (NE 62nd St. from 15th Avenue NE to 17th Avenue NE), an area
2 the MHA FEIS proposes to include in the Roosevelt Urban Village and up-zone. Rupture
3 of the pipe would cause irreparable harm to Ravenna Park and the stream situated below.
4 This pipe almost ruptured recently, and it took Seattle Public Utilities four months to
5 replace 90 feet of pipe. The MHA FEIS states (para. 3.3.4, p.531):

6 No unavoidable impacts to public services or utilities are anticipated at this time for any of the
7 proposed alternatives. Existing local or statewide regulatory framework would apply at the time
8 of development that would identify any specific project-level impacts and would be addressed on
9 a project-by-project analysis.

10 Because the City did not undertake a neighborhood-by-neighborhood review, it has no
11 factual data as to the condition or capacity of the actual sewer pipes and other
12 deteriorated infrastructure that exist in the Ravenna and other communities. Lacking
13 factual data, its conclusions are completely hypothetical and, accordingly, deficient.
14 Analysis of up-zoning requires an analysis of the impact of all potential new construction
15 within the up-zoned area on the existing infrastructure, not a project-by-project basis
16 analysis; the impact is cumulative. Accordingly, the FEIS does not adequately disclose
17 and analyze the significant impacts of the alternatives, including the proposed action.
18 Although the City has no data concerning the condition of the sewer line within the
19 proposed up-zone in Ravenna or in any of the other neighborhoods, the FEIS then
20 concludes that there is not a significant impact. In the absence of actual facts, which
21 could be analyzed neighborhood-by neighborhood, this no-significance conclusion lacks
22 any rational basis.

23 10. MHA FEIS section 3.7 (Open Space and Recreation) states that the Seattle Parks
24 Department expects parks and open space demand in urban village neighborhoods to
25 grow substantially. At section 3.7.2 the FEIS states:

The primary impact to parks and open space under all alternatives would be a decrease in
availability, or the acreage of park and open space land available relative to a specific number of
people. Impacts to parks and open space users may be in the form of greater crowding in parks, a
need to wait to use facilities, unavailable programs, or a need to travel longer distances to reach
an available park facility. Population growth without a commensurate increase in the quantity of
parks and open space decreases availability. The quality or level of services available within
parks and open space is another factor in the determination of adequacy of parks and open space,
but because measures of quality are difficult to obtain and subjective this analysis focuses on the
amount of and walkability to parks and open space and distribution of parks and open space.

The FEIS continues (p. 497):

Housing and job growth over the 20-year planning period would generate more demand for parks,
recreation facilities, and open space across the city. Urban villages would see residential growth
that would proportionately increase demand for parks and open space close to these areas...
Impacts could also occur on parks and open space in urban villages served by current and future
light rail transit as these parks and open spaces would become more accessible to people residing
elsewhere. Light rail stations in urban villages also make parks and open spaces outside the urban
villages more available to urban village residents.

1 Despite the recognition of substantially increased park usage in and around urban villages
2 and light rail stations, the MHA FEIS omits in its entirety any discussion or analysis
3 whether and to what extent higher usage in Seattle parks will result in environmental
4 degradation to parks and what actions should be taken to prevent or mitigate
5 environmental harm. This failure to address the environmental impact on all Seattle
6 parks is within the core of SEPA concerns and in derogation of SEPA adequacy
7 requirements.

8 11. Ravenna and Cowen Parks meet the SEPA and Seattle criteria for environmentally
9 critical areas. Title 25 Municipal Code, section 25.09.012);
10 (<http://www.seattle.gov/dpd/codesrules/codes/environmentallycriticalareas/default.htm>).

11 Ravenna Park is a narrow park, containing a .75-mile stretch of ravine as much as 115
12 feet deep from top to bottom. The ravine extends to a small portion of the eastern edge of
13 Cowen Park. The upper and middle trails on each side of the ravine are steeply-sided,
14 fragile, and subject to erosion. At the bottom of the ravine is a stream and wetlands. The
15 trails on either side of the bottom of the ravine run beside the stream which is lined with
16 native flora. Despite the narrowness of the ravine, it serves as a habitat and breeding
17 ground for many species of birds, other animals, and a wide variety of plants.



18 The MHA FEIS, in section 3.7 (Open Space and Recreation), contains no discussion or
19 analysis of the Roosevelt Urban Village and proposed Ravenna up-zone as to the
20 environmental damage that is highly likely to occur to Ravenna and Cowen Parks with
21 respect to increased density and use and, concomitantly, no discussion as to what, if
22 anything can be done to mitigate probable ecological damage. The MHA FEIS's fails to
23 even include Ravenna and the Roosevelt Urban Village in certain Exhibits because its
24 sole focus is on availability in "underserved" communities. Thus, it does not include the
25 Roosevelt Urban Village and the proposed up-zone in Ravenna in its discussion of green
space, or the adverse impacts and possible mitigation solutions for Ravenna and Cowen
Parks.

Because the City did not undertake a neighborhood-by-neighborhood review, it has no
factual data as to the environmental impact on Ravenna and Cowen Parks due to up-
zoning, future development within the Roosevelt Urban Village, and increased use of
Ravenna and Cowen Parks due to the new light rail station. In light of no data, and no

1 analysis whatsoever, the FEIS is inadequate and insufficient, without any reasonable
2 basis, and needs to be remanded for further study.

3 12. The MHA FEIS is insufficient and deficient in its up-zoning proposals because it
4 fails to specify locations for green space within the urban villages and the expanded up-
5 zoned areas. The 2035 Comprehensive Plan ("Plan") and its requirements need to be
6 considered congruently with the MHA FEIS. The Plan sets out a vision and goal for
7 increased density and affordable housing in urban villages to make them truly self-
8 contained with adequate resources within the village. People who live in the area would
9 not have to go outside of it for basic needs and social amenities (such as day care centers,
10 playgrounds libraries, schools, groceries, hardware stores, community centers, social
11 support agencies, and other types of businesses people require) and, accordingly, would
12 be able to rely more completely on public transportation, thus reducing pollution caused
13 by automobiles. Individual proposed development and up-zoning a few blocks here and
14 there cannot be looked at in a vacuum, but must consider whether the infrastructure and
15 amenities are actually included within the village – in other words, a thoughtfully planned
16 community for the future. No such planning has currently occurred and none is provided
17 for in the MHA FEIS. The current Roosevelt Urban Village and contiguous areas in
18 Ravenna along NE 65th St. (some of which is part of the Ravenna neighborhood) have
19 been subject to rapid and massive new development. The MHA FEIS fails to include on
20 any map and fails to set aside on any map where green space could go or where the other
21 infrastructure could go. Projects and developments recently completed and permitted
22 lack publically available green space. At the current pace of development, there will be
23 no area within the Roosevelt Urban Village or the proposed expanded areas available to
24 designate for green space and other essential elements of an urban village as
25 contemplated by the Plan. Failure to designate green space is a deficiency in the MHA
FEIS and the mitigation suggested in section 3.7 is inadequate and unreasonable.

16 13. The FEIS is deficient and inadequate because it fails to address displacement of
17 current residents (due to speculation by developers and property owners who, in light of
18 the proposed up-zone, are raising rents). (Other groups may raise this issue in their
19 Notices of Appeal.) The whole point of HALA and MHA is to increase housing stock for
20 affordable housing in a livable environment. The Ravenna-Cowen community is quite
21 concerned because not only does some affordable housing already exist in the Ravenna-
22 Cowen community, but some long-time residents and businesses have already been
23 displaced by rents hikes. With every proposed up-zone, more residents and businesses
24 are displaced, creating even more people who need affordable housing. Right now, even
25 though the Roosevelt Urban Village expansion is not yet adopted, developers are
soliciting (some would say harassing) home owners to sell in the proposed expansion
area. Displacement is a known fact for every up-zone. Yet, the FEIS does not address
this issue, proposes no mitigation alternatives, and is deficient.

23 14. The public notice process required by SEPA was inadequate. (Although this issue
24 may be addressed in other Notices of Appeal, this issue is raised here in the event it is not
25 raised elsewhere.) SEPA and regulations require that the text of a draft EIS not exceed
150 pages. WAC 197-11-425(4). The MHA DEIS text was 462 pages and had another

1 364 pages of appendices. SEPA regulations require the DEIS to be readable. WAC-197-
2 11-425(1). The DEIS was published online and commentators found it basically
3 unreadable – even for highly-educated individuals - extraordinarily difficult to read, flip
4 back and forth to exhibits and interrelated topics which took inordinate time, difficult to
5 digest, and analyze. For persons with few or no computer skills, and despite twenty-six
6 Seattle Public Library branches, a hard copy at no cost was publically available only at
7 the downtown central library. (By contrast, the FEIS was distributed to many branch
8 libraries.) It is believed that the DEIS was available only in English despite the fact that a
9 significant number of non-English speakers reside in Seattle and are among those
10 impacted by lack of affordable housing and housing displacement. It is believed that the
11 DEIS was not accessible to visually-impaired individuals and others with disabilities.
12 Had the City made an EIS for each impacted neighborhood, it probably could have met
13 SEPA's 150-page mandate and addressed actual conditions, impacts and mitigation in
14 each locale, but it appears it made a strategic decision to make public review as onerous
15 as possible.

10 RELIEF REQUESTED

11 1. Appellant Friends of Ravenna-Cowen requests that the Hearing Examiner remand the
12 FEIS to the City with instructions to prepare Supplemental EIS(s) as necessary to
13 adequately address the environmental impacts and mitigation for the four alternatives,
14 including an assessment of the impacts and potential mitigations that are associated with
15 each individual neighborhood that is impacted by the proposal.

16 2. Appellant requests that the Hearing Examiner allow liberal discovery and adequate
17 time for discovery regarding the issues raised by this appeal.

18 3. Appellant requests that the Hearing Examiner estop the City of Seattle from raising
19 any defense that buildings and/or areas in the Ravenna-Cowen neighborhood found in the
20 future to be newly-eligible for historical significance should not be treated identically to
21 buildings and areas already determined to be of historical significance, or, alternatively,
22 the Appellant requests that the Hearing Examiner rule that newly-identified buildings and
23 areas determined to be of historical significance in in the Ravenna-Cowen neighborhood
24 be treated the same as buildings or areas that have already been determined to be of
25 historical significance.

4. Appellant requests that in the event the Hearing Examiner finds that the public notice
process was inadequate, require the City of Seattle to comply and start the process again,
or grant such other relief supplemental relief that will correct inadequate notice.

Filed on behalf of Appellant Friends of Ravenna-Cowen this 27th day of November, 2017

By:


JUDITH E. BENDICH, WSBA #3754

Authorized Representative for
Appellant Friends of Ravenna-Cowen

From: Judy Bendich [mailto:jebendich@comcast.net]
Sent: Friday, June 30, 2017 4:28 PM
To: 'nicolas.welch@seattle.gov'
Cc: 'spencer.williams@seattle.gov'
Subject: Upzoning south of NE 65th St. between 15th Ave. NE and 17th Ave. NE

Dear Mr. Welch:

We are submitting comments in opposition to proposed upzoning south of NE 65th St. to NE 62nd St. between 15th Ave. NE and 16th Ave. NE and the "alternative" proposal extending to 17th Ave. NE. Below we also propose alternatives.

We, and the community that lives in "West Ravenna," are opposed to these upzones. We successfully fought inclusion of this area in the 2035 Comprehensive Plan. Two months or less after the Comp Plan's adoption, the City made the identical proposal under the guise of HALA and proposed upzoning. We find the City's position to be a betrayal of this community. The City's position now (the same one defeated in the 2035 Comprehensive Plan) only breeds distrust and cynicism.

The area to the east of 15th NE to 20th Avenue NE and around Ravenna Park is unique. The annual Easter egg roll takes place just across from our house – in a patch of green in Ravenna Park and has been going on for over 25 years. NE 62nd Street is a designated "greenway," heavily used by dog owners, pedestrians, children, and bicyclists. The area south of NE 65th Street between 15th and 20th Avenues NE is lovely and not reproducible, with well-maintained Craftsman homes built from 1907 to 1928, great eye appeal, well-tended yards, but most importantly, neighbors who care about each other and care deeply about this neighborhood as a living vibrant community. Many people come here to enjoy the park, picnic, or even engage in "tournaments" a la Renaissance Faire. You can hear the frequent hoot of the barred owls, occasionally see a scarlet-throated pileated woodpecker, spot the coyotes that now live here, and enjoy the serenity of a walk in the ravine. In spring the huge yellow flowers of the skunk cabbage dot the stream banks running through the park and even wild trilliums peek out from the underbrush. (Hard to imagine that serenity continuing to exist under this proposal.)

A bit of very recent history - In 2015 the City put dotted lines on the proposed Comp Plan in exactly in the same location now proposed on the HALA Plan/EIS and the proposed upzone. The dotted lines cut through existing homes, and the upzone proposed would destroy homes that have been here for over a century. The community objected to these "dotted" lines on the map, and at least 100 neighbors signed a petition in opposition and the Ravenna Bryant Community Association opposed the "dotted" lines and sent a letter to the City together with a copy of the petition.

When the Mayor's draft Plan was submitted to the City Council, the map removed the "dotted lines" from the Roosevelt Urban Village. The community exhaled a sigh of relief. However, the City's draft included those same "dotted" lines on a Future Land Use Map (FLUM), and the City wanted the Council to adopt this map as well. The community again objected. The City Council eliminated this FLUM. So again, the community felt relieved. The draft 2035 Comprehensive

Plan, LU 7.3 also proposed "Consider allowing redevelopment or infill development of single-family areas *inside* (emphasis added) urban centers and villages, where new development would maintain the low height and bulk that characterize the single-family area, while allowing a wider range of housing types such as detached accessory units, cottage developments or small duplexes or triplexes." But, in an attempt to get around the boundaries of the Roosevelt Urban Village, the draft Comp at LU 7.3 included the Planning Commission's recommendation to increase this option to "*near*" urban villages. Because this was not only inconsistent with the concept of a "village" (which has definite boundaries) but was so vague and open-ended it could destroy the character of Seattle's neighborhoods, community members objected to this language as well. In the adopted 2035 Comprehensive Plan the City Council rejected the Planning Commission's recommended language and deleted that language from the adopted Plan. And, yet again, the community thought that the issue of the "dotted" lines and upzones within those dotted lines had been put to rest and was dead in the water.

But just two months after the Comprehensive Plan's adoption, the City's came back with exactly the same proposal in HALA and its upzoning proposals. We feel that this is in bad faith with the community and with the 2035 Comprehensive Plan adopted by the City Council. The proposed upzones in areas beyond the borders of the Roosevelt Urban Village Map are not only in derogation of the 2035 comprehensive Plan, but the City tries to reinstitute through the back door proposals the City previously made and which the City Council expressly rejected.

Please remember that one of the letters in HALA stands for "liveability." As the renowned painter Mark Tobey observed, "Landmarks with human dimensions are being torn down to be replaced by structures that appear never to be touched by human hands. There seems to be a talent today for picking the most beautiful and personal places to destroy." (Please see the July 4/11, 2016 issue of The Nation, pp.16-17, "The Genius of Jane Jacobs," a book review by Roberta Brandes Gratz - "Whether in urban downtowns or neighborhoods, or in suburbs or small towns, local residents and business people know instinctively which improvements will bring positive change...Jacobs argued in favor of local wisdom and community visions over the grandiose designs of distant planners and so-called experts.")

We view our neighborhood/ community as a unique heritage. These Craftsmen homes with their variations in size, shape and character make this area liveable.

What are the reasons for this neighborhood's position? First, we are not anti-density NIMBYs. The density in this area – with all the high density apartment buildings that were recently built and with many more on the way – *already far exceed 2035's density requirements*. And more projects are being approved every day. The current lot of new buildings are sterile, "visually tiresome" and ignore "the importance of old buildings in many places." Importantly, we are concerned that more high-density, including the "pods" and mini-efficiency apartments built for transient populations and big returns for developers (some already built, others already approved, and others being planned) actually destroy neighborhoods.

Alternatives - And we do care about affordable housing. We want developers in the Roosevelt Urban Village to include affordable housing in the developments, not to pay a fee that will be used for housing elsewhere. We want diversity here, and we want people with fewer economic

resources to be part of residential facilities that include economic diversity as well as ethnic diversity. We don't see that happening under the City's plan that allows developers get away with paying a fee.

Many of us endorse mother-in-law apartments in existing residences (as long as owners continue to reside there as well), and there are a few converted garages (ADUs) in our neighborhood that work. (Their footprint, the same as the garage, and height of at most an additional ½ story make them compatible.) We also know of at least one large Craftsman house which has been subdivided internally to create good-sized apartments, but the outer Craftsman home remains. (We realize that a hearing examiner sent the issue of ADUs back to the City for further review because the City never submitted an EIS, but we believe that these units will ultimately be allowed.)

But upzoning in this "West Ravenna" neighborhood would not result in greater affordability because the home and real property valuations in this neighborhood have sky-rocketed, currently approaching one million dollars and higher. It is not cost-effective or economically realistic for developers to build small condos or triplexes that include truly affordable units. Larger and/or taller buildings would destroy the character, livability, and viability of this community.

While upzoning makes no sense in the area east of 15th Avenue NE and south of NE 65th St., it does make sense north of NE 65th St. That is because the properties there have so disintegrated as to make renewal impossible. Accordingly, presently existing areas north of NE 65th between 15th and 16th could be upzoned.

In summary, there should be no upzoning between 15th Ave. NE and 17th Ave. NE south of NE 65th St. (For ease of reference, pertinent provisions of the 2035 Comprehensive Plan are below.)

Sincerely,

Judith and Arnold Bendich

1754 NE 62nd St.
Seattle, WA 98115
(206) 525-5914

References to 2035 Comprehensive Plan:

It also identifies eighteen residential urban villages scattered around the city where modest housing growth should occur near retailers and services that mainly serve the nearby population. (p,11)

...the City *will use the Plan* [emphasis added] to direct the development of regulations that govern land use and development (p. 17)

In the event that a conflict arises between another City policy and this Plan, the Plan will generally prevail. (Emphasis added) (p.18)

GS 1.3 Establish boundaries for urban centers, urban villages, and manufacturing /industrial centers that reflect existing development patterns; potential access to services, including transit; intended Community characteristics; and recognized neighborhood areas..... (p. 24)

GS G3 Maintain and enhance Seattle’s unique character and sense of place, including its natural setting, history, human-scaled development, and community identity, as the city grows and changes. (p.33)

GS 3.9 Preserve characteristics that contribute to communities’ general identity, such as block and lot patterns and areas of historic, architectural, or social significance. (p. 34)

Future Land Use Map [FLUM], p. 41, shows the Roosevelt Urban Boundary ends on the west side of 15th Ave. NE.

LU 7.3 Consider allowing redevelopment or infill development of single-family areas *inside* [emphasis added] urban centers and villages, where new development would maintain the low height and bulk that characterize the single-family area, while allowing a wider range of housing types such as detached accessory units, cottage developments or small duplexes or triplexes.

LU 7.4 Allow detached single-family dwellings as the principal use permitted outright in single-family residential areas. (p.52)

LU 8.1 Designate as multifamily residential areas those places that either are predominantly occupied by multifamily development or are within urban centers or urban villages. (p.53)

Definition of "neighborhood character" - The unique look and feel of a particular area within the city. This is a subjective concept—one that varies not only by neighborhood but also by each person’s view of that neighborhood. (p. 196)

R-HG1 Protect and maintain the architectural heritage of Roosevelt’s Craftsman, bungalow, and Tudor-style housing while embracing growth of well-designed buildings of an appropriate scale. (p. 380)

R-HP1 Promote the preservation and maintenance of existing single-family homes in single-family zones and control impacts to homes on the edge of the single-family zones. (p. 38)

Map – p. 382

R-CFP4 Consider redevelopment of underused or decommissioned properties or facilities as a way to increase the amount of parks and recreation facilities and open space in the neighborhood. (p. 383)

Roosevelt
1,031 573 56% 1,616 [housing units 2015] 800 [additional housing to 2035] (App. p. 414)