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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In re: Appeal by

JUNCTION NEIGHBORHOOD ORGANIZATION

of the City of Seattle Citywide Implementation of  
Mandatory Housing Affordability (MHA) Final  
Environmental Impact Statement,

NOTICE OF APPEAL

**I. INTRODUCTION**

The West Seattle Junction Neighborhood Organization (“JuNO”) supports land-use policies that provide for affordable housing in the West Seattle Junction Urban Village (the “West Seattle Junction”), fair growth and density allocation, suitable infrastructure and open space, and enough transit to serve our growing West Seattle Junction community. We are sensitive to our existing neighborhoods and believe it is the City’s responsibility to balance growth with livability.

Unfortunately, the City’s self-titled Mandatory Housing Affordability program (“MHA”) proposes changes to the West Seattle Junction that will severely pressure our already strained livability and infrastructure in exchange for minor contribution toward the City’s goals. The Final Environmental Impact Statement (the “FEIS” or “EIS”), released by the City on November 7, 2017 fails to accurately or adequately disclose, identify and/or describe the very real negative impacts that its proposal would impose on the West Seattle Junction residents and businesses. The FEIS further fails to propose and/or describe reasonable alternatives or mitigation with respect to these negative impacts.

1 **II. APPELLANT INFORMATION**

2 1. **Appellant:**

3 Name: West Seattle Junction Neighborhood Organization (“JuNO”)  
4 Address: 5007 42<sup>nd</sup> Ave SW  
5 Phone: 410-652-7104  
6 Email: [Admin@wsjuno.org](mailto:Admin@wsjuno.org)

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

8 Check One:  U.S. Mail  Fax  Email Attachment

9 2. **Authorized Representative:**

10 Name Rich Koehler  
11 Address 4811 Rutan PL SW, Seattle, WA 98116  
12 Phone: 206-851-5256  
13 Fax:  
14 Email: [rkoehler@cool-studio.net](mailto:rkoehler@cool-studio.net)

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

16 Check One:  U.S. Mail  Fax  Email Attachment

17 **III. DECISION BEING APPEALED**

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

22 2. **Property address of decision being appealed:** The study area for the MHA FEIS includes  
23 existing multifamily and commercial zones, areas currently zoned Single Family Residential and other  
areas in the West Seattle Junction Urban Village (the “West Seattle Junction”).

24 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: )                 |   |

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#### IV. APPEAL INFORMATION

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

JuNO is a community organization made up of residents and business owners from the West Seattle peninsula interested in the vitality and livability of the West Seattle Junction area. JuNO represents the interests of the West Seattle Junction Neighborhood residents that will be significantly and adversely impacted by the proposed citywide implementation of the Mandatory Housing Affordability program (“MHA”).

In those capacities, JuNO has conducted neighborhood outreach, advocacy, and education efforts with regard to the MHA program. It has also researched, compiled and analyzed all feedback to the City’s identified outreach efforts with respect to the proposed MHA implementation in the West Seattle Junction. It is the mission of JuNO to seek adoption of legislation that would accomplish the goals of the Housing Affordability and Livability Agenda (HALA) while maintaining all the things that make the West Seattle Junction a great place to live.

JuNO is not opposed to housing and impact fees on development. However, the proposed implementation of MHA would increase the bulk and scale of development in the West Seattle Junction residential areas; break our adopted neighborhood guidelines and design standards; reduce access to light and air; increase traffic; exacerbate parking problems; reduce tree canopies; displace vulnerable residents; destroy existing affordable housing; drive up property taxes and therefore increase the cost of residency; exceed our capacities for transit, open space, emergency response systems, and schools; threaten our cultural and historical assets such as the small businesses and cultural activities of California Avenue SW; subject the neighborhood to decades of ongoing construction impacts, especially given the layered impacts of Sound Transit’s light rail plans, SR99 tunnel, Terminal 5, and other programs; and otherwise reduce the livability of the West Seattle Junction neighborhood.

JuNO finds that the FEIS issued by the Office of Planning and Community Development on November 9, 2017 did not abide by SEPA rules, failed to adequately disclose and analyze the significant adverse impacts that the MHA Program will have on the West Seattle Junction residents and businesses, and failed to propose and discuss reasonable alternatives that could accomplish the city’s goals while subjecting them to less adverse environmental impact.

**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, for the following reasons:

1. JuNO adopts and incorporates by reference, as its own, each and every issue raised and/or objection set forth in the Notice of Appeal filed by Seattle Coalition for Affordability,

1 Livability and Equity (“SCALE”) with respect to the FEIS on or about November 27, 2017. Each  
2 such objection will remain an objection of JuNO until and unless JuNO or the Hearing Examiner  
affirmatively dismisses such objection with respect to JuNO.

3 2. Contrary to the requirement of WAC 197-11-402(10), the FEIS justifies decisions  
4 already made rather than serving as a means of assessing the environmental impact of the proposed  
action.

5 3. The FEIS failed to properly define the proposal subject to the FEIS and failed to state  
6 whether such proposal is an objective or a particular or preferred course of action.

7 4. The City characterizes its alleged non-project proposal with a preferred solution yet  
fails to consider and compare meaningfully different alternatives to such proposal.

8 5. Any assertion by the City asserts that intends to rely as phased review to justify its  
9 failure to discuss certain environmental impacts is inappropriate as such phased review improperly  
avoids discussion of cumulative impacts. There is no mechanism to trigger the threshold for  
cumulative environmental review for projects that this proposal will permit at the site-specific level.

10 6. The FEIS exceeds the prescribed length set forth in WAC 196-11-425(4).

11 7. The courses of action the FEIS identifies as alternatives fail to include actions that  
12 could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or  
decreased level of environmental degradation.

13 8. The FEIS fails to discuss the benefits and disadvantages of deferring the  
14 implementation of MHA until such time as infrastructure within the West Seattle Junction Urban  
Village has been improved to acceptable level of service (LOS) or better. Specifically for the WS  
15 Junction, the FEIS should have discussed deferring implementation until after the ST3 train planning  
and implementation are complete. The zoning changes are likely to cause foreclosing of options  
related to ST3.

16 9. The FEIS fails to discuss discuss impacts of and/or real alternatives to the proposal in a  
17 level of detail appropriate to the scope and to the level of planning for the proposal and fails to  
appropriately emphasize or analyze appropriate alternatives.

18 10. The City failed to use reasonable methods of notice of the DS, scoping, and EIS  
19 preparation. The City exaggerates its claims on notice and inclusion.

20 11. The City failed to properly respond or, in some cases, to respond at all, to comments on  
its Draft Environmental Impact Statement.

21 **3. Relief Requested.**

22 Appellant requests that the Hearing Examiner remand the FEIS to the City with instructions to  
23 prepare Supplemental EIS(s) as necessary to develop, propose, and evaluate a broader range of  
alternatives; sincerely engage in and be reflective of public comment; and adequately address the

1 environmental impacts and mitigation for proposed alternatives, including an assessment of the  
2 impacts and potential mitigations that are associated directly with the West Seattle Junction.

3 Filed on behalf of JuNO this 27th day of November, 2017.

4  
5 By: \_\_\_\_\_/s/\_\_\_\_\_  
6 Rich Koehler, on behalf of the Junction Neighborhood Organization  
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