

Master Use Permit Numbers 3020114

APPELLANT INFORMATION

1. Appellant:

Name: Livable Phinney, a Washington non-profit corporation
c/o Michael Richards, registered agent
6537 Greenwood Avenue North,
Seattle, WA 98103

2. Authorized Representative:

Name: Jeffrey Eustis, Aramburu & Eustis, LLP
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DECISIONS BEING APPEALED

1. **Decisions appealed:** Analysis & Decision in MUP File Nos. 3020114, dated January 23, 2017 (copy attached) and SDCI's response to request for interpretation.
2. **Property Address:** 6726 Greenwood Ave N, Seattle, WA
3. **Elements of decision being appealed.**

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

APPEAL INFORMATION

1. What is your interest in this decision? How are you affected by it?

- a. Livable Phinney is a Washington non-profit corporation organized to protect the interests of residents in the Phinney Ridge neighborhood. Members and

Master Use Permit Numbers 3020114

supporters of Livable Phinney live in and use the vicinity of the proposed Phinney Flats development for walking, parking, aesthetic appreciation, and the enjoyment of their neighborhood. Livable Phinney and its members and supporters would be adversely affected by SDCI's approvals because the proposed development would have adverse environmental impacts, including adverse impacts upon views, neighborhood aesthetics and character, the transition from commercial to residential land use, the availability of parking, increased traffic flow resulting in increased noise and congestion in the vicinity of the project, which would impair their ability to use and enjoy their community.

2. What are your objections to the decision being appealed?

- a. The Analysis and Decision was based upon an erroneous application of SEPA, Chapter 43.21C RCW, and the state and city SEPA regulations in that the approval was based upon a Determination of Non-Significance that was rendered without sufficient information and without actual consideration of environmental factors, including, but not limited to, the proposal's height, bulk, and scale, its impacts upon adjacent land uses and views, neighborhood aesthetics and character, the potential release of hazardous substances, environmental health, transit, and on-street parking.
- b. The Analysis and Decision was issued in violation of SEPA, for failure to be based upon an Environmental Impact Statement. The proposed development would create the likelihood of more than moderate adverse impacts upon the environment, including, but not limited to, the environmental elements of scenic resources, environmental health, aesthetics, land use, neighborhood character, transit, parking and the relationship to land use plans and design guidance. The Determination of Non-Significance (DNS) was issued in error.
- c. The Design Review process has failed to mitigate the proposal's impacts on neighborhood character and adjacent and nearby land uses because the Design Review Board recommendations failed to fully comply with required procedures and the applicable Citywide and Greenwood/Phinney Design Guidelines. The SDCI's determinations that the proposed development is compatible with surrounding land uses, that it conforms to height, bulk and scale policies, and that it conforms to the applicable design guidelines are in error. The proposal lies at a zone edge, would produce substantial problems of transition in scale, and warrants additional mitigation for incompatible height, bulk and scale.
- d. The Analysis and Decision was based upon an erroneous application of SEPA in that it relied upon traffic and parking studies which fail to fully and accurately assess the proposal's parking impacts with respect to existing and proposed on-street parking capacity, motor vehicle trips and parking demand generated by the proposal, and the availability and frequency of transit service. As a result, the Analysis and Decision was based upon a misapplication of SEPA in that it failed to recognize the existence and extent of unmitigated impacts to parking and access to transit and the availability of SEPA substantive authority to mitigate those impacts.

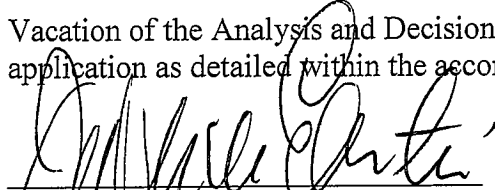
Master Use Permit Numbers 3020114

- e. The Analysis and Decision was based upon the erroneous interpretation and application of the city Land Use Code, as outlined in the accompanying request for interpretation, incorporated herein by this reference. To the extent that SDCI determines that any issues presented in the interpretation request are not amenable to interpretation, Livable Phinney incorporates those issues into this appeal as if separately set forth herein. This appeal includes the appeal of the code interpretations rendered in response to its request and any interpretations related to its request, as necessary.

3. What relief do you want?

- a. Vacation of the Analysis and Decision based upon findings that the Determination of Non-Significance and Design Review recommendations were erroneously issued;
- b. Remand for preparation of an Environmental Impact Statement, or in the alternative for the imposition of additional conditions to mitigate adverse impacts as alleged in this appeal;
- c. Direction that SDCI present its response to the interpretation request at least 14 calendar days in advance of the hearing date in order to allow Livable Phinney sufficient time to prepare argument on SDCI's response; and
- d. Vacation of the Analysis and Decision based upon its erroneous interpretation and application as detailed within the accompanying code interpretation request.

Signature:


Jeffrey M. Eustis, WSBA No. 9262
Attorney for Livable Phinney

Date: February 6, 2017

Appeal and appeal fee delivered to:

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