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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of	)	Hearing Examiner File:
	)	<b>W-17-006 through</b>
WALLINGFORD COMMUNITY	)	W-17-014
COUNCIL, ET AL.	)	
	)	
Of Adequacy of FEIS Issued by the	)	
Director, Office of Planning and	)	
Community Development	)	
	)	

APPELLANT FRIENDS OF RAVENNA-COWEN'S CLOSING ARGUMENT

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1 INTRODUCTION

2 In disregard of public input and actual urban village housing density capacity, the MHA  
3 FEIS proposes to upzone every single family parcel in ten urban villages and expansion areas that  
4 are within a 10-minute walkshed from rapid transit. This predetermined decision was set in stone  
5 (Nick Welch<sup>1</sup>).<sup>2</sup> The conditions on the ground are irrelevant, such as: the capacity of each urban  
6 village to absorb additional housing, the predictable demise of historic resources, the destruction of  
7 tree canopy, the harm to environmentally critical areas such as Ravenna Park, inadequate  
8 infrastructure to meet increased density, such as eight-inch combined sewer pipe, and topography.  
9 The MHA FEIS is inadequate and much of the data relied on is inadequate, in part because the City  
10 applied the same criteria everywhere. Thoughtful and knowledgeable people who live in the  
11 Roosevelt/Ravenna communities provided workable suggestions where to upzone within the current  
12 Roosevelt Urban Village which would not have impacted this area's historic and ecological  
13 resources (Lorne McConachie) – to no avail because the decision was already made nine months or  
14 more before the MHA DEIS was published. (A. Gagne; Ex. 161 )

17 Jane Jacobs wrote, “Whether in urban downtowns or neighborhoods, local residents and  
18 business people know instinctively which improvements will bring positive change - local wisdom  
19 and community visions over the grandiose designs of distant planners and so-called experts.”  
20 Jacobs' words resonate today and encapsulate the reason for this appeal.  
21

22 <sup>1</sup> Q: Do you know within the current boundaries of the Roosevelt Urban Village whether there's room for the  
23 expanded capacity? A: [Welch] We concluded there is zoning capacity in the existing urban village boundary. Mr.  
24 Welch was asked to read lines 3-16, p. 3 of his deposition A [Welch]: "Well, it's not just me working on this proposal  
25 based on the ten-minute walk concept."

26 <sup>2</sup> The name of a witness refers to that witness's testimony. Testimony cited throughout this brief was transcribed  
by volunteers who listened to the recordings. These transcripts are not certified. Grammar - periods, commas, etc. – is  
inserted where it seems logical based on the testimony. Parts of the tape are garbled or muffled; so there may be a few  
errors or omissions.

1           The City's justification is that this City-wide EIS is "programmatic" and the cost would be  
2 prohibitive if each neighborhood required a separate EIS on a parcel-by-parcel basis. (Weinman)  
3 But, as the City's own studies showed, the City already had parcel-by-parcel data for every parcel in  
4 the "project area." *E.g.*, Ex. 310. The City already had data that showed that additional capacity  
5 existed within the current urban villages without the need to expand. (Peter Steinbrueck, Ex. 50 at  
6 136 - "Existing residential housing units/acre" in the RUV was 8.62 and the "Potential Residential  
7 Density," 2105 – 2035, is 26.6 housing units/acre; Welch, see n. 1, p. 1) The City has the address of  
8 all Landmark buildings and surveys of Seattle historic resources, and which could have been easily  
9 mapped (Spencer Howard), but did not do so. The City could have shown tree canopy on a  
10 neighborhood basis, but did not do so. (Ex. 215, p. 21) And the City's proposed remedy for all the  
11 impacts is "project-by-project" SEPA review, but that remedy is inadequate: (1) Once the proposed  
12 zoning is adopted and a permit applied for, the property owner has a vested right to use that property  
13 to its highest zoning;<sup>3</sup> (2) SEPA review is exempt, not available, unless a certain threshold is met;<sup>4</sup>  
14 (3) even if SEPA review were available, there will be no assessment of the cumulative impacts of  
15 upzoning - the review is limited to the specific project;<sup>5</sup> (4) state law precludes local government  
16 from re-examining land use decisions;<sup>6</sup> and (5) deferring environmental review to a later date is  
17  
18  
19  
20

21 <sup>3</sup> *Town of Woodway v. Snoh. Co.*, 180 Wn. 2d 165, 1322 P.3d 1219 (2014) (Developers have a right to use their  
22 land under development regulations in effect when the permit is filed even if the regulations were later found to be  
23 noncompliant with SEPA); RCW 19.27.095 (building permit applications); RCW 58.17.033 (subdivision applications).

24 <sup>4</sup> SMC 25.05.800; SDCI Director's Rule 7-2018 (1/18/2018) - pursuant to code section SMC 25.05.800, "SEPA  
25 code regulations provide 'categorical exemptions' from compliance with procedural requirements related to environmental  
26 review. In other words, projects of a certain type or scale are exempt from SEPA review." EPA review is exempt if there  
are fewer than four units on a Residential Small Lot or LR 1 lot. *Id.*, at 2, Table A The upzoning of single family homes  
in the Ravenna-Cowen Roosevelt Urban Village and proposed expansion area to RSL and LR 1 fall within the exemption  
since many of these lots are 4000 square feet and less (*e.g.*, Ex. 157), and rarely, if ever, would there be four units on one  
lot.

<sup>5</sup> SMC 25.05.443B

<sup>6</sup> RCW 36.70B.030

1 contrary to SEPA requirements.<sup>7</sup> Appellant Friends of Ravenna-Cowen incorporates by reference  
2 the entirety of the issues and legal discussion in Appellant SCALE's and other appellants' Closing  
3 Arguments. The particulars, as related to the evidence in the case, are addressed below.

4  
5 The major concerns raised in Friends of Ravenna-Cowen's 's appeal involve this  
6 community's jewels - available not only to the immediate residents, but to the entire city and  
7 future generations: destruction of Ravenna Park, annihilation of tree canopy, and the decimation  
8 of the fabric of an irreplaceable historic district. This is not hyperbole. These inevitable results,  
9 if the proposed upzoning were to occur, are fully supported by the evidence. This closing brief  
10 begins with the history and conditions on the ground in the Roosevelt Urban Village and  
11 proposed expansion area as established by the evidence.

12  
13 **The Development Of The Roosevelt Urban Village, And What It Is Today**

14 In 1891, The City of Seattle annexed the Roosevelt neighborhood. In 1909, the Alaska-  
15 Yukon- Pacific Exposition brought recognition to the city and residents flocked to the then privately-  
16 owned Ravenna and Cowen Parks. The popularity of the parks and the availability of public transit,  
17 a trolley line running along 15<sup>th</sup> Avenue NE, encouraged rapid development of the area, which is  
18 why so many of the remaining houses in the Roosevelt and Ravenna neighborhoods date from about  
19 1908 to the mid-1920s. (Lawrence Kreisman; Ex. 92, part 1, p. 14, National Historic District  
20 Application). During this period, the central Roosevelt neighborhood, north of NE 63<sup>rd</sup> St.  
21 developed into a commercial center. The area between Roosevelt Way NE and 12<sup>th</sup> Avenue NE  
22 along NE 65<sup>th</sup> Street became the commercial core. This section of what is now the Roosevelt Urban  
23 Village (RUV) has remained a commercial neighborhood hub for the contiguous communities. Ex.

24  
25  
26 <sup>7</sup> *King Co. v. Boundary Review Bd.*, 122 Wn. 2d 648, 644, 860 P.2d 1024 (1993); SMC 25.05.030 B.4;  
25.05.055 A, B. 2 and 3.

1  
2 210, pp. 3-19. The RUV has three major north/south arterials, 15<sup>th</sup> Ave. NE, Roosevelt Way NE and  
3 12<sup>th</sup> Ave. NE; its western boundary is the freeway. The RUV has two major east/west arterials, NE  
4 65<sup>th</sup> St. and NE 75<sup>th</sup> St.

5 The southern border is the Olmstead-designed Ravenna Boulevard NE and Cowen Park.  
6 Along this border and north to about NE 63<sup>rd</sup> St., are well-maintained, single-family homes from the  
7 early 1900s, which are part of the Ravenna-Cowen North Historic District, now listed on the  
8 Washington State Historic Register. (Exs. 91[map of historic district], 208, 209)

9  
10 In the 1990s the Roosevelt neighborhood began a planning process involving residents,  
11 businesses, employees, institutions and property owners, including those in the contiguous Ravenna  
12 neighborhood (Lorne McConachie). "Since early 1995, neighborhoods throughout Seattle have been  
13 engaged in planning for their future development. These neighborhood planning efforts represent an  
14 innovative, *grass-roots approach to growth management* that encourages neighborhood residents,  
15 business owners, and other community members to plan for their own future." (Emphasis added)  
16 (Ex. 66, "Tomorrow's Roosevelt Neighborhood Plan," p.5) In 1994, in adopting the 1995  
17 Comprehensive Plan, the City Council created urban villages:

18  
19 A basic tenet of the Comp Plan is a concept that concentrates future growth in areas  
20 designated as either 'urban villages' or 'urban centers'... Urban villages are the commercial  
21 and residential cores of *historically distinct neighborhoods* [emphasis added]. Like urban  
22 centers, but on a somewhat smaller scale, urban villages are intended to be relatively dense,  
walkable communities, served by local shops and services and well connected by transit  
systems." [*Id.*]

23 The 1995 Comp. Plan designated the RUV planning area boundaries along I-5, NE 75th  
24 Street, 15th Avenue NE, Cowen Place NE, and Ravenna Boulevard (*id.* and map at p. 6) - the same  
25 boundaries adopted in the 2035 Comprehensive Plan, Ex. 3, p. 383.  
26

1 The Roosevelt Neighborhood Plan recognizes that its commercial hub is distinct from its  
2 neighbors:

3 The Roosevelt neighborhood lies between two of the city's busiest north-end commercial  
4 nodes - just north of the University District and about two miles south of Northgate. To the  
5 east is the Ravenna-Bryant neighborhood and to the west, separated by Interstate 5, is the  
6 Green Lake neighborhood. To the north is the Maple Leaf Neighborhood." [Ex.66, pp. 6-7]

7 Lorne McConachie, FAIA, is a Ravenna resident who participated in the neighborhood  
8 planning process. He testified that Sound Transit, which was building the light rail system, had  
9 planned links at Northgate and the University District. However, the RUV residents and Ravenna  
10 participants strongly advocated a link at the RUV. Sound Transit agreed, and now in Phase 2, the  
11 light rail station is scheduled to open in 2021. With the advent of light rail, the 1999 Roosevelt  
12 Neighborhood Plan also advocated for increased density, upzoning in specific areas, and  
13 *downzoning in the area of single-family homes (id. at 18 and zoning map at 19).*<sup>8</sup>

14 In anticipation of light transit, a development surge engulfed the RUV, with numerous large  
15 apartment buildings (some of which displaced existing small neighborhood businesses), some  
16 condominiums, and a few new small businesses. (John Stewart, Ex. 210, pp. 3-19) Most of these  
17 apartment buildings contain micro units, efficiencies or one-bedroom apartments, with limited or no  
18 parking facilities. (Barbara Warren, Ex. 85, p. 2, lines 13-17) In December 2017, a developer  
19 purchased Roosevelt Square and five other parcels within the RUV for \$68.3 million. Stewart; Ex.  
20 211, p.1, "*The Roosie*" (May 2018).

21 Given the development and the lack of family-sized and affordable housing, the Roosevelt  
22 neighborhood, together with Ravenna participants, initiated the effort to obtain affordable housing  
23  
24

25 <sup>8</sup> This southern area, bordering Ravenna Boulevard NE and between 12<sup>th</sup> and 15<sup>th</sup> Aves. NE, designated as SF  
26 5000 on the Neighborhood Plan map RUV map, is the Cowen area of the RUV, which section is now included (as of  
June 29, 2018) in the Washington State Register of Historic Places of the Ravenna-Cowen North Historic District. Exs.  
208, 209 (Many of the lots are less than 4000 square feet, John Stewart.)



1 adjacent to the light rail station. Barbara Warren (Ex. 85) is a Ravenna resident; her work  
2 experience involved affordable housing and community development, work with low-income  
3 tenants, running an affordable housing fund and serving on various housing committees (*id.* at1).  
4 Warren and others were concerned about the need for affordable housing and in 2016, led by the  
5 Roosevelt Neighborhood Association Land Use Committee, a group formed to obtain affordable  
6 housing, which included the Ravenna-Bryant Community Association president and its Land Use  
7 Committee chairperson. Through this process, there will now be 245 affordable-housing units with  
8 42% family-sized two and three-bedroom apartments, complete with a daycare facility, community  
9 space, retail shops, and a public plaza contiguous to the light rail station, set to open coincident with  
10 the opening of the light rail station. *Id.* at 6. This project was not initiated by the City of Seattle or  
11 Sound Transit (although both subsequently participated to provide funding and land). The Roosevelt  
12 and Ravenna neighbors, through their efforts initiated and brought this to fruition.<sup>9</sup>

### 15 **Ravenna, Its Development, And What It Is Today**

16 In 1906, Ravenna became an incorporated city and in 1907 was annexed to the City of  
17 Seattle. Its western border, then and now, is 15<sup>th</sup> Ave. NE. It developed as a "suburban" community  
18 with the advent of the trolley line along 15<sup>th</sup> Ave. NE, adjacent to two privately-owned parks –  
19 Ravenna Park and Cowen Park. It offered modest lot prices, appealing to working families and  
20 some professionals. Owners built their homes from plans sold by such companies as Sears Roebuck  
21 and the Craftsman Company. These were not for the rich, contain built-ins, small gardens, and  
22 porches so that neighbors could interact. (Lawrence Kreisman) Many properties were owned for  
23  
24

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25 <sup>9</sup> In addition, in 2017, pursuant to the City's "incentive zoning" program, which has a performance or payment  
26 option, and which provides a multifamily tax exemption for the developer, a total of 70 affordable performance units  
were built or permitted in the RUV. Ex. 277, p. 2 (Table A) and p. 3 (Table B).

1 decades by generations of the same family. *Id.*; Anne McGowan's home includes her granddaughter  
2 and great-grandchild; Ex. 154 (the Donnelly family).

3 The Ravenna neighborhood is not an urban village<sup>10</sup> and has retained its historic heritage and  
4 fabric with intact homes in excellent condition, well-cared for gardens and mature tree  
5 and shrub cover. (Lawrence Kreisman) The only arterials are 15<sup>th</sup> Ave. NE on the east, 25<sup>th</sup> Ave. on  
6 the west, and NE 65<sup>th</sup> St on the north where there are a few small apartment commercial buildings.  
7 But other than these, none exist within the single-family area. Even some of its alleys are  
8 undeveloped, such as the alley between 16<sup>th</sup> Ave. NE and 17<sup>th</sup> Ave. NE, never paved, tall grass  
9 growing with a narrow track, and steep sides to the west kept in place only by the vegetation. (John  
10 Stewart) And other alleys are so narrow garbage trucks cannot drive down them, such as the alleys  
11 between 15<sup>th</sup> Ave. NE and 16<sup>th</sup> Ave NE and 16<sup>th</sup> and 17<sup>th</sup>. (Anne McGowan and Alexander Gagnon;  
12 Ex. 155e; both alleys are within the area the expansion area OPCD proposes to upzone.) Because  
13 this area has among the most intact and cohesive Craftsman-bungalows, and other 1906 – 1930 era  
14 homes in the City of Seattle (Lawrence Kreisman; Ex. 207, p. 12 *et seq.*),<sup>11</sup> it is now on the  
15 Washington State Heritage Register.<sup>12</sup>

#### 18 **Ravenna Park And Ravenna Creek**

19 Ravenna Park is located east of 15<sup>th</sup> Ave. NE and south of and contiguous to, NE 62<sup>nd</sup> St.  
20 The park was once privately owned and a streetcar ran along the southern edge offering tours.

22 \_\_\_\_\_  
23 <sup>10</sup> The President of the Ravenna-Bryant Community Association suggested that certain commercial areas of the  
24 RBCA might be appropriate for an urban village, but not in the proposed RUV expansion area. (Ex. 160, Inga Manskopf,  
25 p. 2).

24 <sup>11</sup> Witnesses testified that the proposed RUV expansion area is a "cohesive" neighborhood. (Lorne  
25 McConachie, Lawrence Kreisman, Geoffrey Wendtland and Nick Welch)

25 <sup>12</sup> Although too late to be included in the hearing record, the Hearing Examiner is asked to take judicial notice  
26 that as of Sept. 13, 2018, this is now a recognized National Historic District,  
<https://www.nps.gov/subjects/nationalregister/weekly-list-20180914.htm> (listed under Washington).

1 Ex. 92 at 13, 67, 71. The park is three-quarters of a mile long, about 600-feet wide, with steep sides  
2 ranging from 100 to 125-feet. (Prof. Kern Ewing) In the middle of the ravine is a stream known as  
3 Ravenna Creek and adjacent wetlands. *Id.*; Ex.110, City ECA map. Prof. Ewing testified that  
4 Ravenna Creek was originally part of a larger watershed starting at Green Lake. When Green Lake  
5 was lowered, the flow diminished. An 1863 surveyor's map shows the stream running from Green  
6 Lake to join with Union Bay and an 1893 picture shows the creek. Ex. 92 at 35, 68. In 1960, the  
7 City dumped freeway construction spoils into the ravine in Cowen Park, and diminished the stream  
8 even more. *Id.*at. 89. More recently, the Seattle Parks Department, together with neighborhood  
9 volunteers and students from Prof. Ewing's wetlands restoration class, worked to restore the park to  
10 its natural state. As is explained in this brief, all that work will be for naught if the upzones proposed  
11 in the MHA FEIS go into effect.  
12

#### 14 SUMMARY OF THE ARGUMENT

##### 15 *The Level of Detail Presented In This MHA FEIS Is Inadequate and Unreasonable.*

16 SMC 25.05.402B states, "The level of detail [in an EIS prepared by an agency] shall be  
17 commensurate with the importance of the impact, with less important material summarized,  
18 consolidated or referenced." WAC197-11-442 (2) states: "The lead agency shall discuss impacts  
19 and alternatives in the level of detail appropriate to the scope of the nonproject proposal and to the  
20 level of planning for the proposal." (SMC.25.05.442B uses the identical language.) The appropriate  
21 level of detail permeates this appeal. The level of the proposal is parcel-by parcel zoning, which has  
22 enormous impacts, and these impacts affect every element of the environment (such as ECAs, tree  
23 canopy and, historic resources discussed *infra.*)  
24

25 In *Klickitat Cty. Citizens Against Imported Waste v. Klickitat Cty.*, 122 Wn.2d 619, 641-42,  
26 94 P.3d 961 (1993) *as amended on denial of reconsideration* (Jan. 28, 1994), *amended*, 866 P.2d