

1 writer about Seattle's architectural history, has written ten books, including *Made to Last* (Ex. 87, the
2 introduction) and *The Arts and Crafts Movement in the Pacific Northwest*, (Ex. 88, chapter titled
3 "Bungalows for Everyone."). He has also written numerous scholarly and general-interest articles.
4 From 1988 to 2012 he wrote monthly articles for the *Seattle Times'* "Pacific Northwest Magazine."
5 (Example at Ex. 89, "Restore vs Raze" which cites G. Strickland, "A country without a past has the
6 emptiness of a barren continent and a city without old buildings is like a man without a memory.")
7 This article points out, as did Ms. Woo in her testimony, as a matter of sustainability, it costs less to
8 restore and rehabilitate old buildings than demolish them and build new ones.
9

10 At Historic Seattle, Mr. Kresiman helped start the annual Town Hall Bungalow Fair and Arts
11 and Crafts Lecture series to explain to the public why the arts and crafts movement and bungalows
12 are key to the development of Seattle. (Ms. Anne McGowan testified she attended these programs.)
13 And through the Seattle Architecture Foundation, he initiated walking tours as an educational
14 device, which included the Ravenna-Cowen area. Appellant's counsel asked, "What is particularly
15 special about the Ravenna-Cowen neighborhood?" Mr. Kreisman said:
16

17 For me it speaks to the best qualities of a bungalow early twentieth century neighborhood in that
18 there's an, its insular in a way... [I]nto the neighborhood you have a sense of welcoming and it's
19 partly that the age and the character of these buildings with shared materials of clapboard siding,
20 clinker brick of cobblestone and the scale of these and the pitched roofs and the covered porch
21 that welcome people. It also provided communication. It was a way of responding to your
22 community and knowing your neighbors by the front porch by the front stoop. It's something that
23 we don't see very much in modern day construction, where you now have a two car garage and a
24 long driveway, people drive in with their car and never see the light of day because they never
25 come out... These buildings were designed to be relating to the outdoors and indoors through this
26 transition part of the front porch. You would be able to meet and know your neighbors and be a
part of a community.

25 served on the Seattle Landmarks Preservation Board for eight years. He has received many honors, including being made
26 an honorary member of the American Institute of Architects and an "outstanding career achievement in historic
preservation" award from the Washington State Historic Preservation Foundation.

1 So what I get from Ravenna-Cowan is a much stronger sense of that and it's partly that the
2 mature street trees on the landscaping make the connection to the park. Also, the fact that it's
3 not a completely true grid, that because of the ravine of the park, you have angled streets,
4 they come in angles, and consequently, when you're walking down some of them, each of
5 these bungalows is askew. They're not, you know, straight on. So you see the fronts on the
6 porches of these as staggered down the street. So there's something a little bit different about
7 Ravenna-Cowan.

8 Mr. Kreisman was then asked about the FEIS §3.5 and his concerns. His first set of
9 concerns was the inadequacy of the data reviewed by the consultant. He started by explaining that
10 the 1979 survey of 34 neighborhoods still exists today in notebooks at the City's DON office and
11 provides detailed information. The survey group was led by an eminent historian, Earl Layman, and
12 the survey identifies all the buildings they believed were Landmarks and of community significance.
13 He said from the discussion in the EIS, it was apparent the consultants had never looked at this
14 information. Mr. Kreisman explained that although the EIS identifies context statements post-2000,
15 omitted are the histories from the 1975-77 *Urban Inventory* by architects Victor Steinbrueck and
16 Folke Nyberg, faculty members at the UW. Among these are historical synopses for Admiral,
17 Eastlake, and Green Lake, but the EIS does not identify these. Importantly, the EIS does not even
18 identify and does not map City Landmark buildings.

19 Another critique was the lack of specificity. " [I]f I was the public or the decision-making
20 person...I would need more information to go on. What are...these boundaries that's going to impact
21 particular areas?" He said a map would have been great. "[I]t would have told me immediately that
22 there's a core of valuable resources here that's not necessarily documented...and really needs to be
23 protected even though it's not a Landmark District..." He also pointed out, as did others, that project
24 review was inadequate because based on his experience SEPA review did not normally occur with
25 development on a single family lot, and he'd seen that happen in his own neighborhood.
26

1 Mr. Kreisman was asked, why is it destructive to take out even one building? With respect
2 to a potential historic district, neighborhoods like Ravenna-Cowen, he said, "Buildings lost are like a
3 book with book with its page torn out...it will affect and change neighborhood character." He also
4 pointed out that proposed upzoning is inconsistent with the Comprehensive Plan, and the EIS did not
5 refer to the Plan.
6

7 On cross-examination Mr. Dale Johnson asked about national historic districts and implied
8 these are protected. Mr. Kreisman responded, "What I do know about National Register property or
9 in a district, does not necessarily protect you from any of the things that are going to happen with
10 rezoning unless it's a City Landmark District. It's not going to have oversight and protection." He
11 explained that the only time a National Historic District has some protection is if federal funds were
12 used as part of the project.
13

14 C. Similar to the City's Presentation of Tree Loss, the Effect of the City's Presentation and
15 Witness Testimony re Historic Resources in §3.5, Is to Obfuscate And Omit Readily-
16 Available Data So That It Is Impossible to Learn the Impacts of Upzoning in Each Urban
17 Village and Expansion Areas, Thus Preventing Decision-Makers From Making Informed
18 and Knowledgeable Decisions Where and Whether to Upzone.

19 The City called Katherine Wilson, an ESA employee, to testify about §3.5, which she
20 authored. Ms. Wilson said the City only mapped NRHP data onto a map because it "describe[s]
21 the affected environment in an equal way across the study area." She also said although Landmark
22 listings and the City's inventoried surveys of historic properties in Seattle were also considered, "we
23 came up with a reasonable approach to treat everything equally." (Ms. Paula Johnson stated that this
24 "reasonable approach"³² is totally unexplained in the EIS.) Ms. Wilson cited the WAC, that "historic

25 ³² The adequacy of an EIS is not governed by what a consultant thinks is reasonable. The adequacy is tested
26 under the "rule of reason." *Citizens' Alliance v. Auburn*, 126 Wn.2d 356, 362, 894 P.2d 1300 (1995). "The EIS must
present decisionmakers with a 'reasonably thorough discussion of the significant aspects of the probable environmental
consequences' of the agency's decision. 'Reasonableness' of the EIS is an ultimate question of law. 'The rule of reason is
'in large part a broad, flexible cost-effectiveness standard,' in which the adequacy of an EIS is best determined 'on a case-

1 resources" are properties "listed or eligible for listing on a national or state register," but she said
2 "eligible" means a decision-maker already made a determination, which is not the same meaning her
3 supervisor, Paula Johnson, used in the Uptown EIS.³³
4

5 On cross-examination, Mr. Bricklin introduced Ex. 237, a Sept. 19, 2016 email from Mark
6 Johnson, Planning Director at ESA:

7 We have a small budget to do a high level analyss for historic resources, open space and recreation,
8 and public services and utilities" ... "about \$30,000 for the whole of our work.".. "The City's initial
9 take on these topics were that they would not result in significant impacts." ... "They [the City] feel
the need to justify this assumption."

10 Mr. Bricklin then asked about Ex. 238, a May 5, 2017 draft of §3.5, p. COS0034827,
11 [RW3], a comment by Richard Weinman, "The locations of surveyed buildings, on the other hand are
12 known, and could be compared to parcels being rezoned. Rezoning would seem to be a stronger
13 indicator of likelihood of demo or redevelopment and a better measure of significant impact." Ms.
14 Wilson stated she did not follow up with Mr. Weinmand and, "We did not look at the parcel level."
15 Mr. Bricklin asked, "Was one of your thoughts here that would be okay because at the time of
16 individual projects additional analysis could be done at that time." Wilson said, "Yes." Ms. Wilson
17

18
19 by-case basis guided by all of the policy and factual considerations reasonably related to SEPA's terse directives. R.
Settle, [The Washington State Environmental Policy Act: A Legal and Policy Analysis] § 14(a)(i) [(4th ed. 1993)]."
(Internal case citations omitted.)

20 ³³ Ms. Wilson seemed to be unaware that Ms. Johnson interpreted the WAC differently in the Uptown EIS,
21 where eligible properties are those that meet the age-based threshold as "potentially eligible" (see pp. 28-29, *supra*). So,
22 Ms. Wilson criticized Mr. Kasperzyk's Ballard inventory for using the same criterion as Ms. Johnson. Ms. Wilson also
23 appears not to have read WAC 197-11-960D(4), which requires the EIS to address historic resources "under study," thus
24 dismissive of N. Rainier's notice to the City of its application to the state for designation on the state and federal historic
25 registers. Ms. Wilson's definition would also rule out the entire category of inventories by highly-educated, trained
26 surveyors who identify properties as a "significant historic resource" or "Landmark- eligible" because no "decision-
maker" has yet made the decision. (Paula Johnson stated such designations are included on properties in the City's
inventory data.) Ms. Wilson refers to City Landmarked properties, but these are not listed in the EIS. Ms. Wilson also
acknowledged the EIS failed to include a Beacon Hill context statement, and did not include on the NRHP map properties
determined eligible in the Mt. Baker Historic District that are in the state database. She said, "[I]t's very unfortunate, I do
not like to have errors, but I'm a very precise person, so I regret that that happened, but it does not change our findings." It
may not change her findings, but given the already scant information in the EIS, these accumulated omissions contribute
even more to decision-makers' lack of ability to make knowledgeable decisions about where and whether to upzone.

1 was also asked whether anywhere in the EIS was the cumulative effect on the fabric of the
2 neighborhoods analyzed. Mr. Bricklin asked, "... you didn't analyze the the impacts of that
3 combined development [growth rate and upzoning] on the fabric of these historic communities?"
4 Ms. Wilson answered "No." Mr. Bricklin also asked: "Don't you think it would be important for
5 decision-makers deciding whether to change the zoning on a parcel to know whether it's been
6 identified as a potential historic resource in the city's database?" Ms Wilson said, "Potentially."

8 Ms. Wilson's testimony resumed Aug. 22, 2018. Appellant's counsel resumed cross-
9 examination. During cross, Ms. Wilson agreed with the following points:

10 The EIS does not explicitly state why there is only the NRHP map.

11 A decision-maker would not know what the rationale was for using only the NRHP map.

12 No one in the group (Mark Johnson, Graham, Paula Johnson) ever discussed that because the EIS
13 impacts specific parcels within the city, the EIS should have greater specificity as to where
14 these historic properties are located.

15 Before beginning her work, Ms. Wilson did not look at the Washington State

16 Environmental Policy Act, the administrative code provisions or the code provisions that pertain
17 to programmatic EIS's and historic resources [Ms. Wilson stated, "Not directly, but I am aware
18 of those."], and she did not re-read them.

19 She did not re-read SMC provisions that pertain to EIS's generally.

20 She did not read SMC 25.05.402B that states "the level of detail should be commensurate with the
21 importance of the impact with less important material consolidated or referenced."

22 She looked at the zoning maps only after preparing the DEIS.

23 She did not know that WAC 197-11-960D(4) requires the agency to state how the proposal would
24 affect historic resources that are eligible or "under study," she did not ask any questions to find out
25 whether there were any historic resources under study.

26 She did not consider anything that was "under study" [the question mentioned N.Rainier's
application to the the state.]

Federally funded national historic districts receive protection under the National Historic
Preservation Act, § 106, but national historic districts without federal funds are not protected. There is
no disclosure in the EIS of the neighborhoods or particular blocks with historic character most at
risk from upzones.

There is an on-line interactive map of Seattle Landmark buildings, but no map in the FEIS of Seattle
Landmarks. ("The decision was not to map the Landmarks.").

There is no policy that allows the city to deny or condition a project in order to reduce or avoid
impacts to historic character of the neighborhood and historic resources that are not Landmarks.

1 There is no statement in the EIS that increases in height allowance have the potential to
2 impact views of additional eligible or potentially eligible historic properties or Landmark
properties.

3 There is nothing in §3.5 that talks about neighborhood plans in the 2035 Comprehensive
Plan.

4 Decision-makers would not know from the EIS where older properties would be located by
block (contrasting §3.5 with the Uptown DEIS, Ex. 261).

5 Ms. Wilson agreed the Upown DEIS provided decision-makers with more information
6 and there was no way for the city council to get the same information from the MHA FEIS.

7 Ms. Wilson's testimony resumed on August 22, 2018 at 1:45 pm, and the Hearing Examiner asked

8 Ms. Wilson questions predominantly about City Landmarks.³⁴

9 The City next called Paula Johnson. She stated she provided "senior review" for Katherine
10 Wilson. Direct testimony was not long. She was asked to distinguish and explain the Uptown EIS.

11 She was asked whether the Uptown analysis set a significance threshold such as used in the MHA
12 EIS.³⁵ She testified it did not. She also testified that the biggest difference was the size of the study,

13 one urban village versus twenty-seven, and in Uptown "we weren't troubled by any old information."
14

15 Ms. Johnson also stated that the Uptown EIS did not include 77 buildings which had been
16 inventoried. She also elaborated somewhat on the Seattle Landmarks Ordinance process.

17 On cross examination, Ms. Johnson was asked whether the Landmark Board could
18 control (decrease) the height of a 75-foot new building, adjacent to a Landmark, that obstructs a
19 view or blocks. She said that Board could not control that. Ms. Johnson said she never looked at
20 other sections of the EIS; she never looked at the zoning maps. When asked, "So you have no idea
21 what the impact would be on an urban village by urban village basis, to upzoning on historic
22 resources within the urban village, is that correct?," she stated, "I understand that there will be
23

24 _____
25 ³⁴ Some transcripts include the date and time stamps of testimony. Others don't. The Hearing Examiner's
questions and Ms. Wilson's answers are on the Wed., 8/22 tape, part 3, beginning at 1:45 pm and ending at 2:11 pm.

26 ³⁵ Mr. Weinman criticized the use of this threshold on his review of the May 5, 2017 draft §3.5, p.
COS0034827, Comment [RW 3].

1 upzoning within urban villages. That is adequate for understanding potential impacts to historic
2 resources." Ms. Johnson agreed that the MHA EIS could have detailed the ages of buildings within
3 urban villages, as the City did in the Uptown EIS, and that information was readily available. "And
4 so you could have had that data available to put on every single parcel within the up-zone areas in
5 the urban billages, correct? "Sure." And within the expansion areas? "Sure."

7 Ms. Johnson was asked about National Register Historic Districts – "Unless they have
8 federal funds attached to those particular historic districts, there's nothing that gives them particular
9 protection against being upzoned, correct?" She said, "Well, I believe the legislation says there will
10 not be upzones in historic districts [referring to "MHA"]." Ms. Johnson's understanding is that
11 future historic districts are protected under the FEIS proposal.³⁶ She was asked if there were no
12 SEPA review, would there be any protection for a National Historic Distirict – "But if there's no
13 SEPA review, does that process kick in?" [Ms. Johnson] "No." She was asked, using Ravenna-
14 Cowen [then on the Washington state register] as an example, if you had no SEPA review and a
15 house in that area is demolished, wouldn't that impact the fabric of that area?" She answered, "Yes."
16 She also agreed that from the MHA FEIS presentation, there is no way the City Council can identify
17 where potential historic districts might be.

19 Ms. Newman then asked questions. During the back-and-forth, Ms. Johnson repeated
20 "in fact, we didn't include the inventoried properties in, on any figure in Uptown." When Ms.
21 Newman later asked whether these 77 properties were actually already included on the map, Ms.
22 Johnson said, "Yes, they would be reflected in the yellow or blue." Ms. Newman's questions then
23
24

25 ³⁶ §3.5, p. 304 (underlining means added language that was not in the DEIS): "Potential future impacts to
26 newly-created historic districts would be considered at an individual basis at the time of designation." This language
offers no protection if the proposed upzones are adopted. It's too late. Ms. Johnson apparently did not read this.

1 turned to impacts to Landmark buildings, using hypotheticals. Toward the end of cross, Ms. Newman
2 asked, "What about when they're [City Council] making decisions within South Park as to where to
3 zone, shouldn't they have that [survey] information for within the boundaries of the South Park
4 urban village? [Ms. Johnson] "Sure."

5
6 The Hearing Examiner asked Ms. Johnson questions following cross examination, and
7 again following redirect.

8 In summary, the City's witnesses confirm:

9 The MHA FEIS does not explain why only NRHP data were mapped. The presentation
10 in the EIS does not permit decision-makers to identify upzoning impacts to Seattle Landmark-
11 buildings. Landmarks are not identified at all. Decisionmakers cannot determine impacts from
12 upzoning to potential future historic districts, or other historic resources, except fo NRHP parcels,
13 because they are not clearly identified. The witnesses acknowledge that if there is no SEPA review
14 (below the threshold), Landmark buildings are not protected, nor is an existing national historic
15 district, nor are potential historic disticts or other historic resources. Ms. Johnson agreed that the
16 same criteria used in the Uptown EIS could have been done, and the evidence in this case, Spener
17 Howard's testimony and Ex. 310 (with all parcel year-built data), establishes that this same approach
18 was easy to do at low cost. The City ignored its own consultant's recommendation (Richard
19 Weinman, Ex. 238, p. COS0034827), to include surveyed historic buidings so that these could be
20 "compared to the parcels being rezoned" (the identical critique raised by appellants' witnesses).³⁷

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24 ³⁷ While the MHA FEIS has a laundry list of possible mitigation measures, nowhere in this list, or elsewhere in the EIS,
25 does the City point out or identify as a mitigation factor that due to the time gap time between implementation and
26 passage of new ordinances that might mitigate potential impacts, no upzoning should occur. Once upzoning is enacted,
it's too late. The owner/developer then has a vested to demolish historic resources. That is why it is so critically
important now to identify already-designated and potential historic resources and correlate these to the zoning maps.

1 The MHA FEIS is inadequate because it does not comply with SMC 25.05.402B,
2 which states "The level of detail [in the EIS] shall be commensurate with the importance of the
3 impact, with less important materials summarized, consolidated, or referenced." This code provision
4 was not even discussed by "the team." There is no way a decision-maker can evaluate the impacts
5 to historic resources in urban villages and proposed expansion areas. The approach used was not
6 understandable, is inadequate, and is unreasonable.

8 **III. The One-Size-Fits-All Application of a Ten-Minute Walk-Shed As the**
9 **Basis to Upzone Ten Urban Villages and Expansion Areas, Is In Derogation of**
10 **the 2035 Comprehensive Plan Legislative History and Intent, Disregards the**
11 **Actual Language Adopted By the City Council, and Does Not Examine the**
12 **Environmental Impacts Caused By This "Principle."**

13 The 2035 Comprehensive Plan, Ex. 3, p. 25, states: "GS [Growth Strategy] 1.12
14 Include the area that is *generally* within a ten-minute walk of light rail stations or very good bus
15 service in urban village boundaries, except in manufacturing/industrial centers." (Emphasis added.)
16 The Council could have said, "Include the area within a ten-minute walk of light rail stations..." but
17 it did not. This provision has particular legislative relevance because in the Comp. Plan the Mayor
18 submitted to the Council, the City proposed to expand the RUV boundaries east of 15th Ave. NE
19 based entirely on a 10-minute walk from the future light-rail station. The City Council rejected that
20 proposal. The Mayor also proposed including a Future Land Use Map, also based on the 10-minute
21 walk, which is almost identical to the proposal in the MHA FEIS. The Council did not adopt that
22 FLUM, Ex. 3, p. 41. Nor did the Council adopt the Planning Commission's proposed amendment to
23 state in LU 7.3 that increased development, such as RSL, LR 1 and LR2, should be expanded to
24 single-family areas *near* urban villages; the Council restricted such development to "*in* urban
25 villages." (Emphasis added.) Ex. 156, the City's Answers to Friends of Ravenna-Cowen's First
26 Request for Admissions, No.s 1-14 and exhibits thereto.

1 Nowhere in the MHA FEIS does the City explain this legislative history. Rather, it
2 states (Ex. 2, p. vii), "Expand the boundaries of certain urban villages on the Comprehensive Plan's
3 Future Land Use Map (FLUM) near high-frequency transit, *as studied in the Seattle 2035*
4 Comprehensive Plan. (See also the map, p. 2.8 which shows in outline "Potential Urban Village
5 Expansion Area Studied in Seattle 2035 Comprehensive Plan.") This language implies the Council
6 already approved these expansions. The RUV outline is the same outline based on a 10-minute walk
7 that the Council rejected, but that is not acknowledged in the FEIS.
8

9 Similarly, the FEIS does not explain that the 10-minute walk was never conceived of as
10 a "principle." To the contrary, the study (upon which the RUV expansion map is based) prepared by
11 Peter Steinbrueck, expressly states, **Main things to consider in assessing boundary expansions:**
12 "Proposed UV boundary expansions should follow street grid (preferably arterials), but not divide a
13 cohesive neighborhood or street." (Emphasis original.) Ex. 50, p. 15, Seattle Urban Village Study,
14 Final Report Aug. 2015, and cover letter from DPD Director Diane Sugimura. Mr. Steinbrueck
15 testified that the lines on the maps were never intended to apply as shown. The study was one-step
16 in a two-step process. The explicit intent was for the City to use the information in the study
17 together with neighborhood-specific information analyzed in phase two. But phase two never
18 happened.
19

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21 Nowhere in the FEIS does the City identify 2035 Comp. Plan provisions that are
22 inconsistent with its proposal, such as: GS1.3, "Establish boundaries for ...urban villages...that
23 reflect existing development patterns..and recognized neighborhood areas (Ex. 3, p. 24); GS 3.9 (p.
24 34), "Preserve characteristics that contribute to a communities' general identity, such as block and lot
25 patterns and areas of historic, architectural, or social significance;" R-HG1, p. 381, "Protect and
26

1 maintain the architectural heritage of Roosevelt's Craftsman, bungalow, and Tudor-style housing
2 while embracing growth of well-designed buildings of an appropriate scale."

3 The OPCD staff team elevated the 10-minute walk concept to a "principle" (see n. 1, p.
4 1, *supra*), and disregarded the 2035 Comp. Plan's legislative history and provisions actually adopted.
5 The OPCD staff team ignored the study's intent and plain words from its own study that the divider
6 for the 10-minute walk should be an arterial, not a small neighborhood street, and should not be
7 applied to cohesive neighborhoods, such as Ravenna-Cowen.

8 The impacts from this overarching application of this "principle" are significant. The
9 "principle" adversely affects every element of the environment in Ravenna-Cowen – tree cover,
10 Ravenna Park, and historic resources. Mr. Conachie describes the application to the Ravenna-
11 Cowen neighborhood as an "arbitrary move. It damages the historic fabric of a neighborhood."³⁸
12 The 10-minute walk upzones are even applied without regard to height, bulk and scale. Mr. Gagnon
13 pointed out the proposed upzone on NE 65th St. was to 55-feet, and the City's map (Ex. 161, with the
14 same boundaries as Ex. 2, App. H-70), did not stop at 65th, but intruded three or four lots south into a
15 small neighborhood street (16th Ave. NE), right next to a single-family home. City staff told him,
16 "[S]o what you have is mixed use and you can have a bar downstairs." Mr. Gagon said, "We're a
17 neighborhood where every other house has kids that are four years old."
18

19 SEPA, the implementing regulations of WAC 197-11, and SMC Chapter 25.05 require
20 real analysis of real impacts on elements of the environment resulting from the proposal and SMC
21 25.05.020C requires compliance with both the "spirit and letter of the law." That's not possible
22 when, from the outset, the proposal starts and ends with a predetermined outcome applying a
23

24
25
26 ³⁸ In his testimony Mr. M cConachie identified available areas within the RUV for upzoning to meet MHA density, which areas were also identified in the public meeting process and DEIS comment letters. See fn. 29, *supra*.

1 predetermined "principle." The required analysis did not occur here, was inadequate, and if adopted,
2 there will be significant adverse consequences.³⁹

3 SUMMARY AND RELIEF REQUESTED

4 For the reasons stated above, and for the reasons addressed by other Appellants, the
5 MHA FEIS does not provide an adequate study of the environmental impacts to the neighborhoods
6 within the study area, including Ravenna-Cowen and the Roosevelt UV proposed expansion area.
7 Proposed alternatives 2, 3 and Preferred will cause cause known direct, indirect, and cumulative
8 impacts to the Ravenna-Cowen neighborhood, which are not analyzed in the FEIS. Appellant

9 Friends of Ravenna-Cowen requests the Hearing Examiner to remand the FEIS to the
10 City with instructions to prepare Supplemental EIS(s) as necessary to adequately address the
11 environmental impacts and mitigation for the four alternatives, including an assessment of the
12 impacts and potential mitigations that are associate with each area in the "project area" (urban
13 villages, prosed expansion areas and other areas outside the urban villages).
14

15
16 Respectfully submitted this 24th day of September, 2018.

17 By: 

18 JUDITH E. BENDICH, WSBA #3754

19 Authorized Representative

20 ³⁹ Friends of Ravenna-Cowen's Notice of Appeal also raises the issue that the public notice process required
21 under SEPA and the SMC 25.05 was inadequate. FRC does not waive that issue and joins in Appellant JuNO's analysis.
22 Additionally, Appellant points out there was only one hard copy of the DEIS at the downtown library (Ex. 1, p. ix). As
23 the Hearing Examiner experienced, it is not easy to read the MHA EIS, even in hard copy, but the paper copy is easier to
24 read than trying to read it on line (see, e.g. Ex. 288, comment). SEPA requires the DEIS to be readable, WAC-197-
25 425(1). There are 26 branch libraries throughout the city, <https://www.spl.lib.wa.us/> (click on 'Locations'), and the City
26 could have easily provided copies for those who are not computer adept or who became frustrated trying to read on-line a
462 page document plus 364 pages of separate appendices. (Judicial notice of the library site requested.) Mr. Gagnon
and Ms. McGowan testified they never received notice of "Meeting-in-a-Box, and no one ever came to their door to leave
information. Mr. Gagnon also testified about not being notified of a meeting held with the Roosevelt Neighborhood
Ass'n., and he attended only because someone leaked the time and place to him. Ms. Brand testified the MHA DEIS was
not translated; therefore, there was no way non-English speakers could meaningfully participate. Had the City prepared
an EIS neighborhood-by-neighborhood, it could have complied with the WAC-197-425(4)'s 150-page maximum limit for
a DEIS.