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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of
**WALLINGFORD COMMUNITY COUNCIL, ET
AL.,**

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

Hearing Examiner Consolidated File:
W-17-006 through
W-17-014

**APPELLANT FRIENDS OF NORTH
RAINIER NEIGHORHOOD PLAN’S
CLOSING ARGUMENT BRIEF
(with Record Citations)**

(Appellant in No. W-17-014)

Appellant Friends of North Rainier Neighborhood Plan (“FNR”) hereby submits its Closing Argument, and joinder in the Closing Arguments of SCALE and other Appellants. This brief incorporates by reference the legal analyses and standards of the other briefs, including the summary judgment motions previously filed. Rather than memory, this relief relies in large part on a collective volunteer effort by appellants to informally transcribe witness testimony. Given the scope of the hearing, FNR is not able to provide official transcripts or page numbers. However, FNR believes that the statements are substantively accurate and, if needed, FNR will supplement this Closing Argument with the specific locations of testimony in the Hearing Examiner record.

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I. INTRODUCTION

This matter involves a fundamental debate on the future shape of Seattle. The proposal involves what may be the most sweeping set of parcel by parcel upzones the City has ever attempted to implement. It is in this climate of intense development, growth, residential and economic displacement and increasing density, that SEPA’s role is most important. The City’s obligation to take a sincere and hard look at environmental impacts must occur at the earliest possible stage. The failure to do so opens up the current and future generations of Seattle to a dense urban landscape that is blighted and unlivable, impacting the physical, psychological and social well-being of the entire generations. There is no question that bold action is required to manage growth, and there is no dispute that the City’s proposal is bold and sweeping. The more bold the action, the more important is SEPA’s mandate that the City Council have the information needed to understand the likely impacts and options for avoiding and minimizing impacts in an intelligent way. Blind action is unlawful. That is what we have hear – a SEPA process that is self-defeating and takes a battering ram to the City’s framework for growth, as carefully outlined in the Comprehensive Plan, and the associated goals and policies of the Neighborhood Plans within that Comprehensive Plan.

Through the hearing, the Friends of North Rainier Neighborhood Plan (FNR) provided a clear and detailed picture of the existing physical conditions and challenges in North Rainier’s Town Center, and the City’s own continuous assessment of an open space gap that has historically been referred to as the “worst open space gap” in Southeast Seattle. The photo of the preschool play area reflects the existing conditions.

FNR’s motion also identifies the City’s own specific plan to bridge this continuing gap, through the North Rainier Town Center Park acquisition project. FNR has shown how the City

1 ultimately launched this important project in coordination with the King County Conservation
2 Future’s program, with the support of multiple City departments, as well as community stakeholders
3 and nonprofits. The witnesses and exhibits presented at the hearing reveal the bleak and unlawful
4 reality of the City’s environmental analysis of open space as it relates to the MHA proposal for the
5 North Rainier Town Center. A comparison of the City’s open space planning and project with the
6 City OPCD’s MHA proposal and open space analysis leads to one inescapable conclusion: The City’s
7 FEIS offers up an open space analysis that fails to disclose that the MHA proposal is manifestly
8 inconsistent with its own open space plans, policies and project. This lack of environmental review is
9 absurd. This lack of review is also frightening for the current and future children of the North Rainier
10 Town Center.

11 The fact that OPCD’s open space analysis does not even mention its upzone to the proposed
12 North Rainier Town Center Park is a frightening reflection of what can happen when a Grand Bargain
13 of Citywide upzones is rushed through a SEPA process without even mentioning that, with regard to
14 the environmental “livability” of the citizens in North Rainier, the City’s long-awaited parks project
15 has been upzoned to 95-feet high. The fact that the City proposes upzones into an unnoted historic
16 district destined for the National Register of Historic Places, is an additional example of how a blind
17 bold action can ruin the livability and fabric of a jurisdiction. And the City’s ignorance of
18 socioeconomic conditions and risks by relying on a “draft” Growth and Equity analysis, reveals this
19 EIS for what it is – a short cut around true SEPA review in order to rubber stamp a political objective
20 identified in the “Grand Bargain”. The Grand Bargain does not repeal SEPA. The City’s Council
21 and its Citizens deserve more. And SEPA requires more. The City has, can and must do better.

1 **II. CLOSING ARGUMENTS**

2 **A. The City’s OPCD Cannot Use the “Programmatic” Nature of Its EIS to Avoid**
3 **Meaningful Review of the Proposal’s Staggering Environmental Impacts.**

4 SCALE has explained why the City cannot use the label of a “Programmatic” EIS to avoid
5 meaningful environmental review for a sweeping set of specific upzones that will impact virtually
6 every parcel within the North Rainier Urban Village. That argument is incorporated here.

7 FNR and the other Appellants have shown how the City’s FEIS fails to comply with the most
8 fundamental principles of environmental review established under SEPA. The level of environmental
9 analysis must be commensurate with the level of planning for the proposal. The environmental review
10 must occur at the earliest stages possible. The standards for the Rule of Reason are also not repeated
11 here. This brief highlights a few selected examples of record evidence supporting the conclusion that
12 the City has not fulfilled its obligations under SEPA.

13 **1. Neighborhood Level Upzones Deserve Neighborhood Level Review, As The City**
14 **Demonstrated When It Analyzed The MHA Proposals For The Uptown and**
15 **University of Washington Neighborhoods.**

16 One of the most clear examples of the City’s failure under SEPA, is its intentional
17 abandonment of neighborhood level review utilized in the University District and Uptown, for the
18 very same MHA proposal. In this case, the agency’s own implementation of SEPA with regard to the
19 very same MHA proposal demonstrates the fundamental flaw of the sweeping Citywide FEIS. An
20 agency’s implementation of its SEPA regulations is itself evidence of what is reasonable, and
21 required, to fulfill its obligations.

22 The City’s unlawful approach to the “Programmatic” EIS is also illustrated by the complete
23 failure to provide any meaningful environmental analysis of open space at the neighborhood level. It
is impossible for this FEIS to serve its fundamental purpose under SEPA. Open Space is a critical

1 element of livability in any neighborhood that is facing a successive set of upzones and density. For
2 the City to take a “hard look” at impacts, it must at the very least appreciate how OPCD’s proposed
3 upzones will affect the North Rainier Urban Village. To do so, it must first be informed about the
4 nature and extent of the open space gap within the urban village boundaries. This is not provided.
5 The Council must also understand whether there are any projects underway to address the worst open
6 space gap of Southeast Seattle. This is not provided. There should also be a map showing how the
7 alternatives relate to and impact the critical resource of open space. This is not provided. And, last
8 but not least, the City Council should be alerted to the fact that all of the MHA alternatives (except the
9 no action alternative) propose a 75 foot to 95 foot upzone to the only parcels targeted for open space.
10 The City Council is flying blind under this FEIS. This FEIS does not even alert the public or a City
11 Council member to the fact that the “preferred” alternative seeks the greatest upzone for the City’s
12 own park project! The homework needs to be done sooner rather than later.

13 **Peter Steinbrueck.** Peter Steinbrueck’s testimony was persuasive and powerful with regard
14 to the City’s misguided and uninformed attempt to sideline environmental review for the MHA.

- 15 • **Bricklin:** ... what’s your concern here regarding the level of detail in this citywide EIS.

16 **Peter Steinbrueck:** Yeah, sure. Well it’s interesting to me to note that the Uptown EIS for
17 example was over 1,400 pages long... **Bricklin:** Hold on, what’s the Uptown EIS? **Peter**
18 **Steinbrueck:** That was the EIS done for the rezone... the MHA proposal as it applies to one
19 of the city’s six urban centers, Uptown being an urban center. This preceded the citywide
20 upzone to several urban centers – University District, Uptown, and some others...
21 Downtown.... and I just note this difference in terms of level of detail. See Hearing Day 1,
22 Steinbrueck Testimony, pages 82-83.

1 • **Bricklin:** . . . what was the contrast you were drawing? **Steinbrueck:** Well, the level of
2 detail... and again, Uptown is not a single neighborhood. It comprises a larger area with more
3 complexity and intensity. But it is a definable subarea of the city, and it's also designated as an
4 urban center. But I just note that the extent of analysis on a wide range of topics was far more
5 extensive in that EIS than in the citywide analysis... including historic resources and other
6 issues. Hearing Day 1, Steinbrueck, pages 84-85.

7 • **Bricklin:** . . . going back to the general point here regarding the level of detail in this EIS, the
8 citywide EIS, let me ask you this way: Do you have an opinion as to whether the EIS reflects
9 the difference... the different impacts that occur, neighborhood by neighborhood?
10 **Steinbrueck:** It doesn't. Hearing Day 1, Steinbrueck, page 85.

11 • Mr. Steinbrueck identified several examples of significant impacts at a neighborhood level that
12 were not addressed in the EIS. **Steinbrueck:** I don't know where to begin with that because
13 there are so many. But I can cite some specific examples that... off the top of my head.
14 Referring back to North Rainier, a hub urban village, has undergone very little private
15 investment with new development. It is the location centrally of a site... of a light rail station.
16 And Within the Rainier neighborhood plan. It has a longstanding objective of establishing
17 a town center with the concurrent open space there, and it was identified as an area of the city
18 with one of the worst dearth of open space in Southeast Seattle. that very objective would
19 be negatively impacted by this very proposal. Hearing Day 1, Steinbrueck, page 86.

20 **Spencer Howard.** Spencer Howard also testified as an expert on the issue of programmatic
21 EIS. Specifically, Spencer was able to testify to his work on behalf of the City of Seattle with regard
22 to the MHA upzones in the University District. He had also prepared a programmatic EIS for Port
23

1 Gamble, on a project that sought to increase developability while complying with the dictate of
2 adequately addressing historic resources.

3 • **Question:** And do the alternatives in this FEIS in anyway allow that weighing and balancing of
4 the interests of density and historic resource. **Howard:** [00:08:29] No they did not.” Hearing
5 Day 2, Howard Testimony, page 15.

6 • Mr. Howard explained the important and simple function of environmental review of historic
7 resources at the neighborhood level. This level of analysis is necessary if the City Council will be
8 able to meaningfully evaluate “alternative areas either around or in other areas that hadn't been as
9 highly developed or didn't have potential historic properties to guide redevelopment to those areas.
10 So using again using that baseline information to try and guide development where it will have the
11 least impact to historic properties.” Hearing Day 2, Howard Testimony, page 15.

12 • During the hearing, the Hearing Examiner questioned Mr. Howard about his expert experience
13 in preparing programmatic EIS’s for other proposals to increase density at the neighborhood
14 level. **Hearing Examiner:** Are you saying that the EIS should have gone to this level of
15 detail throughout the city? **Howard:** Yes. **Hearing Examiner:** And would that match the
16 level of detail you experienced with the programmatic EIS that you did at Port Gamble?
17 **Howard:** It would. Yes. And for the University District. **Hearing Examiner:** And tell me, the
18 University District MHA, what does that study? And I have had no witnesses describe this for
19 me yet, but it sounds like there were other EIS’s done in relation MHA for specific areas.
20 Were they done after or before this EIS? **Howard:** It was done before this EIS. And so I
21 can't describe adequately the rationale for why it moved ahead. But it was, the intent of the
22 University District EIS was to increase density within the University District. And so it was
23 looking at the same factors in terms of a series of alternatives and proposed land use and

1 zoning changes. And for us what the impacts of those would be on historic properties.

2 Hearing **Examiner**: Thank you. Hearing Day 2, Howard Testimony, page 47.

3 **Sharese Graham.** The City’s witness also highlighted the lack of important information in the
4 EIS, noting that a neighborhood level visit or review was not within the scope of the Citywide EIS
5 budget. See Hearing Day 17, Graham Testimony, page 180 and 184. Her testimony also revealed an
6 embarrassing amount of misinformation about a so-called “theoretical” park that the City ignored.
7 See, e.g., Hearing Day 17, Graham Testimony, page 164-166, and 180 (referencing Exhibit 42).
8 During her cross-examination, Ms. Graham confirmed the importance of open space as an essential
9 element of livability to be addressed during times of significant upzone. *Id.*, at page 158. She
10 ultimately conceded that she was relying upon inaccurate information provided by Geoff Wentlandt to
11 the effect that the City’s North Rainier Town Center Park project was “theoretical” and could be
12 ignored. See *Id.*, at page 162-166 and 180 (referencing Exhibit 43). The testimony of Michael James,
13 Craig Cundiff and Talis Abolins demonstrated this oversight beyond dispute. Hearing Day 11,
14 Michael James Testimony, pages 28 – 30, 32, 36 – 37, 41 - 42 and Exhibits 42 and 43; Hearing Day
15 11, Craig Cundiff Testimony, pages 172 – 173 and Exhibit 43; Hearing Day 3, Abolins Testimony,
16 pages 217 - 222 and Exhibit 42. The City’s upzone of North Rainier Town Center Park project to 95
17 feet high without any mention of the location of North Rainier park gaps or projects is a shameless
18 destruction of environmental livability without excuse. During cross-examination Ms. Graham was
19 forced to admit the inadequacies of her misinformed Open Space analysis, acknowledging that the
20 Open Space section: (1) fails to identify the location of the North Rainier Urban Village open space
21 gap (undisputed fact); (2) does not identify what parcels within the North Rainier Urban Village open
22 space gap may still be available to bridge the open space gap (undisputed fact); (3) does not mention
23 the nature or existence of the North Rainier Town Center Park project (undisputed fact); (4) does not

1 call attention to the fact that the parcels identified for acquisition by the City’s North Rainier Town
2 Center Park project are proposed for upzones to 95-feet high (undisputed fact); (5) does not explain
3 how a 95-foot high upzone to the only proposed park project will or will not impact the open space
4 needs for the citizens who will live in the North Rainier Town Center (undisputed fact); (6) fails to
5 identify the relationship of alternative proposals to either the open space gap, or the existing park
6 acquisition project (undisputed fact); (7) does not offer any explanation of how the unidentified
7 impact of upzoning the City’s park acquisition project to 95-feet high might reasonably be mitigated
8 through any of the alternative proposals, or through an alternative park location where acquisition
9 would still be feasible (undisputed fact); and (8) fails to offer any explanation of how a 95-foot high
10 upzone of proposed park parcels within the Town Center’s open space gap will or will not impact the
11 feasibility of acquisition for open space (undisputed fact). See Hearing Day 17, Graham Testimony,
12 pages 181 - 184. See FEIS App. H, Exhibit H-56, H-57, and H-58.

13 During her testimony, it became clear Graham’s analysis suffered from a series of disturbing
14 inadequacies, arising from a truncated “scope of work”, misleading information about park conditions,
15 and a complete failure to recognize the location of the North Rainier Hub Urban Village park gap, and
16 a funded park project that had been carefully developed and integrated into the plans for the
17 \$20,000,000 Accessible Mount Baker transportation project. See cites above.

- 18 • **Bricklin:** All right. And you could have used that parcel-by-parcel analysis, and laid it next
19 to, paired it with the gap analysis, and the policies, and the Comprehensive Plan Neighborhood
20 Plans, to determine where parcels were that were identified with open space gaps, or to cure
21 open space gaps, and compare that with the parcel-by-parcel analysis being done by others on
22 the team in terms of where development was most likely going to occur? Right? **Graham:**
23

1 We could have done that, but that was not part of our scope, yes. Hearing Day 17, Graham
2 Testimony, page 186.

- 3 • Ms. Graham was also unable to support her curious position that it would be “inappropriate” to
4 notify the City Council of the North Rainier Town Center Park Project because it was merely
5 theoretical and had no funding associated with it. In another programmatic EIS referenced on
6 her resume, Ms. Graham contradicted herself, demonstrating precisely the type of
7 neighborhood level analysis that an EIS is able to provide for a City looking to increase
8 density in a manner that meaningfully addresses environmental conditions. See Hearing Day
9 17, Graham Testimony, page 171 - 174, and Exhibit 303 (Sammamish Programmatic EIS).

10 **Peter Steinbrueck.** With regard to the North Rainier Neighborhood Plan, Mr. Steinbrueck
11 explained the Comprehensive Plan’s role in addressing issues of open space and tree canopy while
12 increasing growth in the Hub Urban Village. Mr. Steinbrueck had this to say about the Open Space
13 Planning policies of the Comprehensive Plan: **Steinbrueck:** Well, as the city grows, and as reflected
14 in many of the City’s Comprehensive Plan policies and goals, as well as the Seattle Parks
15 Department's own Master Plan and Gap Analysis. With regard... open space is a human need and it is
16 one that is essential to the health, vitality, and livability of the neighborhoods. The City has a fairly
17 complex set of metrics and targets for ensuring the adequacy of open space and parks throughout the
18 city, particularly in areas receiving more density of growth such as the urban villages. Hearing Day
19 1, Steinbrueck Testimony, page 74.

20 The City’s imposition of a 95’ upzone for parcels identified by the City to address North
21 Rainier’s parks gap was particularly troubling. **Steinbrueck:** Well, the gap analysis for the city
22 identifies specific areas that lack open space at the urban village level. And it also relates to hubs and
23 urban centers. And there is a map, which is here somewhere, that illustrates the gaps. And I’ll use

1 North Rainier as an example. One area of the city, a hub urban village, that the City Parks
2 Department's gap analysis identified as having the lowest level of open space of any urban village in
3 Southeast Seattle. It's a relationship of the amount of -- the quantity and the -- and the distance to that
4 open space within the denser urban areas. . . . **Question:** Does the EIS anywhere discuss any of
5 these open space policies as to how they relate to the proposal or whether the proposal is consistent or
6 inconsistent with any of these policies? **Steinbrueck:** No, I couldn't find any. Hearing Day 1,
7 Steinbrueck Testimony, page 75 - 76.

8 **Talis Abolins:** As a resident and nonprofit activist in North Rainier, Mr. Abolins testified on the
9 unique historic and open space features of the North Rainier neighborhood that were ignored in the
10 EIS, as well as the Comprehensive Plan goals and policies that were intended to guide growth in
11 relation to those features -- also ignored.

- 12 • **Abolins:** moving on to the open space relevant comp plan features, we have the Community L
13 Goals NRG-8 - "North Rainier Valley's network of parks, recreational facilities, open spaces,
14 and arts and culture programs are functioning and well utilized." So it's really consistent with
15 what we heard about the fabric of the Olmsted system. This goal contemplates there would be
16 a network of parks that are functioning well. And then Goal 9, this is, again, related to
17 housing and socio economics. "Ethnic and cultural diversity is a continued presence in the
18 businesses and the community." So its business oriented. Hearing Day 3, Abolins Testimony,
19 page 202, citing Comprehensive Plan (North Rainier provisions) .

- 20 • **Abolins:** [I]f the purpose of this environmental impact statement is to allow the City Council
21 to ensure that it takes an action that is going to consider open space resources which are
22 essential to livability, this is an embarrassment. Because after years of effort working with the
23 city in an interdepartmental function as Bruce Harrell called for, and getting the city to actually

1 create an open space acquisition project targeting specific parcels, in harmony with the
2 Olmsted historic and open space resource itself - as Jennifer Ott had found reference to -- they
3 had even called for an open space adjacent to Cheasty Green Space on the valley floor at this
4 key intersection. Id., Abolins Testimony, page 218

- 5 • . . . [T]he things that logically a decision maker would want: know where the gaps are,
6 because it makes sense to locate the city's investments and concurrent open space in the areas
7 where it's needed, which is logically in a Hub urban village that's being upzoned. And then,
8 secondly, you should at the very least know if there's already a project to do that on identified
9 parcels, so that you can harmonize the intensity of your zoning so that you don't have edge
10 effect problems. You're not putting, you know, 95-foot-high buildings next to a landmark
11 green space or on top of a park that the Hao Mai children would like to play in. Id., Abolins
12 Testimony, page 247.

13 Mr. Abolins (and others) walked through a number of exhibits illustrating the important information
14 neglected in the FEIS, including: Exhibit 61 – Gaps in open space – historically in North Rainier;
15 Exhibit 41 – Letter by FSOP on the area to the City; Exhibit 42 – photo of the play area “pen” for the
16 Hao Mai Preschool; Exhibit 43 – North Rainier Town Center Park project: upzoned to 95 feet without
17 a mention in the EIS.

18 **2. The City’s Environmental Analysis Of Historic Resources and Edge Effects Was** 19 **Inadequate and Self-Defeating.**

20 Against a meager FEIS analysis, the appellants provided a series of compelling experts who
21 elaborated in great detail on various shortcomings in the City’s analysis of historic resources and edge
22 effects. These witnesses included Peter Steinbrueck; Spencer Howard; Jennifer Ott; Eugenia Woo;
23 Talis Abolins. Much of this testimony included neighborhood level evidence from the North Rainier

1 Urban Village, demonstrating how the proposed parcel by parcel upzones are presented to the City
2 Council without reference to critical information needed to allow decisionmakers to even remotely
3 understand the relationship of the proposal to the historic shape and fabric of the neighborhood.

4 **Spencer Howard.** Spencer Howard of Northwest Vernacular left the City's EIS in tatters,
5 with regard to historic resource analysis. His testimony was based on extensive experience analyzing
6 historical resources, including the research and analysis of such resources in programmatic EIS
7 prepared under SEPA. See Spencer Howard testimony, Hearing Day 1, page 235 – 274; Hearing Day
8 2, Spencer Howard Testimony, pages 11-50. For example, Mr. Howard's firm was hired by the City
9 of Seattle to address the historic resources section for the University District MHA EIS, which
10 presented a parcel by parcel analysis allowing the City to compare its parcel by parcel upzones for that
11 particular neighborhood. Hearing Day 1, Spencer Howard Testimony, pages 236-237, 240-244;
12 SeeExhibit 304. Exhibit 18 is a detailed outline of Mr. Howard's basic points on the EIS and its
13 inadequacies: (1) the FEIS failed to adequately identify historic and cultural resources within the study
14 area; (2) the FEIS does not adequately identified the probable impacts on those resources; (3) the FEIS
15 fails to consider the significant historic resources of the Mount Baker Park Addition; and (4) the FEIS
16 has failed to adequately describe impacts to the Mount Baker Park Historic District. See Hearing
17 Day 1, Spencer Howard Testimony, pp. 238-239, admitting Exhibit 18. His testimony was punctuated
18 with a series of visual Exhibits painfully revealing how and why the City could and should have
19 analyzed the neighborhood level upzones at the neighborhood level – as it had already done with the
20 MHA proposal in other neighborhoods of the City.

- 21 • **Howard:** It was the discord between the level of detail in the zoning information and proposed
22 land use changes which went down to the parcel level detail, and the level of detail on historic
23 properties, which remained at a very cursory, broad overview level for the entire city and didn't

1 get into any specifics of urban village level, and certainly not down to the parcel level. **Abolins:**
2 How did that contrast with the work you've done on the University District, EIS which dealt with
3 the same MHA proposal? **Howard:** It was markedly different. So in the University District EIS
4 we collected the available information on listed and potentially eligible properties and on recent
5 2002 surveyed inventory work and then we overlay this information over the proposed land use
6 and zoning changes so that we could look at those changes and understand what types of resources
7 existed at those locations to understand what the potential impacts would be. The other is that
8 we included a historic context statement that identified I believe it was six key development
9 periods for the University District. Knowing development periods is really critical to helping to
10 understand the significance of potential eligibility of historic properties. You start to understand
11 how a neighborhood or how a study area was shaped and how properties that still exist within that
12 study area relate to those different development periods. There's also an exhibit 3 that – I don't
13 know if that's relevant, but of the U District [On the UW EIS}: One last item that we'd also
14 include in there was an assessment of planning and policy that existed and was relevant to historic
15 properties within the study area. So we wanted to understand how the proposed land use changes
16 related to the broader Seattle -- the comprehensive plan, what goals and policy elements were
17 being forwarded by the work and the land use changes that were being proposed through the U
18 District alternatives. Hearing Day 1, Spencer Howard, pages 240-242.

19 Mr. Howard responded directly to the City's curious position that a neighborhood-based
20 analysis of historic resources was not justified, because those resources had only been inventoried in
21 some but not all of the impacted neighborhoods. This illogical approach would leave the City
22 Council flying blind, with a fundamental inability to understand what resources exist, and where they
23

1 are located and clustered with reference to parcel by parcel upzones increasing the impacts on those
2 resources.

- 3 • **Question:** And you were also questioned about neighborhoods that might not have the ability
4 themselves to try and document their historic clusters of properties or even districts. So if a
5 neighborhood lacks that information and then there's a proposal that's going to have an impact on
6 such historic resources, whose responsibility is it to come up with the funding and ensure that an
7 appropriate analysis takes place? **Howard:** It ideally should rely on the entity proposing the
8 changes and undertaking that it's both the responsibility to understand how the changes will
9 potentially impact the existing environment. And it's an opportunity if done right in terms of
10 providing that information on historic development patterns, character and properties, much like
11 we did with Port Gamble, is to educate the public on what historic density levels were, how those
12 relate to proposed changes, and how that can be a beneficial component for neighborhoods going
13 forward if done in a compatible manner. Hearing Day 2, Spencer Howard, pp. 48-49.

14 The hearing examiner was supplied with a series of excellent exhibits, which helped demonstrate
15 the lack of regard for historic resources, as well as the ease with which information on historic
16 resources could have been analyzed and supplied to the City for purposes of MHA's neighborhood
17 level upzones:

- 18 • **Exhibit 20 - Howard:** we were putting together in one location the information that's available to
19 us in GIS and that is available publicly to be able to convey that, yes, the data is available.
20 Generically speaking here's how it looks across the citywide. So the key in the lower left has a
21 legend for the -- what all the colored dots mean. But basically all of the black dots are City of
22 Seattle inventory properties, and then the different lines are the individually listed properties,
23 National Register listed properties. So what our intent was on this was to basically compare that

1 and the richness of that data spread with the exhibits 3.5.2 and 3.5.3, and the FEIS to show there's
2 a lot of data that's missing that is really important for -- for the analysis. [. . .] It's all built in GIS
3 so you can zoom in on down to the individual parcel. You could even go within a parcel. But it's
4 -- it's -- yeah the level of detail that's there is -- it's highly detailed. Hearing Day 1, Spencer
5 Howard, pp. 252-253.

- 6 • **Exhibit 21** – With Exhibit 21, Spencer Howard illustrated how the City could identify which
7 historic parcels or areas of historic value are subject to the highest FAR increases of the proposal,
8 and thereby gauge the most likely impacts. This Exhibit contrasted with the analysis of the EIS,
9 where “there's no impact analysis of what that really means, what these proposed changes could --
10 how they could affect those properties and surrounding properties.” Hearing Day 1, Spencer
11 Howard, p. 257.
- 12 • **Exhibit 22** – Exhibit 22 illustrated how, unlike the UW programmatic MHA EIS, the Citywide
13 EIS abandoned all hope for the protection of historic resources, completely failing to identify
14 major clusters of historic resource throughout the City’s neighborhoods. *Id.*, at p. 258 – 259.
- 15 • **Exhibit 23** – The City had easy access to a variety of historic resource information, including the
16 historic inventories and context statements that were artfully prepared for that purpose. Both Mr.
17 Howard and Ms. Woo highlighted the EIS’s ignorance of these useful resources. See *Id.*, at pp.
18 260 – 261.
- 19 • **Exhibit 26 – Howard:** . . .we’ve got a fair amount of things going on in a single map but we're
20 trying to bring all of those parts together. Again the yellow line is the historic boundary; blue areas
21 with the diagonal crosshatch are the urban village expansions proposed urban village expansions.
22 The zoning for those is -- the proposed zoning is residential small lot. The historic photos -- and
23 actually, the red shading that goes over the top of Mount Baker Boulevard, which is that

1 serpentine boulevard that kind of runs across through the bottom center portion and then wraps up
2 to the right, a key part of the Mount Baker Historic District development was the involvement of
3 the Olmsted Brothers. They did not do design work, but they were consulting to the developers
4 who platted the district. A large part was the – the Mount Baker Boulevard as part of a larger
5 system of connectivity with the proposed Olmsted system. More specific to Mount Baker, John
6 Charles had had to work with the civil engineer to get him comfortable with the idea that yes, you
7 could put Mount Baker Boulevard here and run that down, and that that would be a shared
8 amenity for the properties on either side. It would be a gateway into the Rainier Valley. And also
9 looking at it from the other direction, it would be a gateway from the valley into the historic
10 district or into the residential district at that time. [...] [G]oing back to the role of Mount Baker
11 Boulevard as a gateway into the district, what we were concerned about was the proposed
12 residential small lot zoning on either side of that gateway which there's [historically] contributing
13 properties in both of those areas. And losing those properties to development pressure and having
14 new development would substantially change the character and approach into the historic district
15 and this historic connection. Hearing Day 1, Spencer Howard, pp. 266-268.

- 16 • **Exhibit 27 – Howard on disregarded and impacted resources in North Rainier:** So the -- the
17 orange footprints are contributing properties within the – are contributing properties within the
18 historic district. You can see how they relate to the proposed upzone areas. The photos along the
19 side and along the bottom are some sample photos of contributing properties within both of those
20 up zone areas. So as you can see, they're smaller single family residences. If the proposed upzone
21 goes through for the residential small lot, there are four subcategory designations within the
22 residential small lot that allow for increased development. Those typically require a reconciliation
23 with the neighborhood plan. Well, it was our understanding from earlier testimony from Mr.

1 Steinbrueck that that requirement may go away with approval of the MHA FEIS in which case it's
2 unknown what sub – what designation would apply to these if they would be residential small lots.
3 But the four sub designations, it's not known which one of those would apply, and how that would
4 change the character of these urban village expansions. **Abolins:** Is it fair to say that someone
5 considering an expansion and upzone of this area is necessarily contemplating changes in
6 character and use of the properties? **Howard:** Yes. Hearing Day 1, Spencer Howard, pp. 269-
7 270.

- 8 • **Exhibit 28 – Howard on Edge Impact To Ignored Historic District From Urban Village**
9 **Expansion:** So this was, again, looking at the decade of construction and that period of
10 construction within the within the historic district. So the proposed urban village expansion areas
11 would take out a large swath of properties that were built between 1920 and 1929. So after the –
12 after the neighborhood -- after the Mount Baker plat was platted in 1907, then lots were sold,
13 properties developed. There were waves and patterns of growth and development. One element
14 that was unique was along this outer strip was a high concentration of the 1920 to 1929 properties
15 that were built along there. So loss of those properties through development pressure would
16 significantly change the character of that edge of the historic district. Loss of it can also,
17 depending to the severity and degree, can jeopardize the listing status of the district. Hearing Day
18 1, Spencer Howard, at pp. 270-271.
- 19 • **Howard on State Department of Archeology and Historic Preservation Focus On Historic**
20 **District Boundaries.** The State DAHP representative “wanted to make sure that we had not lost
21 or that the neighborhood had not suffered development changes along those outer edges. That he
22 was anticipating that we would have had less integrity along the outer edges due to development
23 pressures and just attrition over time, which is not uncommon with residential neighborhoods,

1 commercial districts. You typically kind of have the edges get chewed away and kind of worked
2 in. He was very surprised to see that our level of integrity is quite high for this district and in
3 terms of the architectural character, historic properties, number of properties that were designed by
4 architects, it's really quite an extraordinary district.” Id., at pp. 271 – 272. See also **Exhibit 29:**
5 Certificate of designation of Mount Baker Park Addition “given to the Friends of Mount Baker
6 Town Center when -- from the Governor's Advisory Council on Historic Preservation when the
7 historic district was listed to the Washington Heritage Register.” Id., at pp. 272 – 273. The
8 historic district’s nomination the National Register of Historic Places was pending at the time of
9 the hearing.

- 10 • **Howard on EIS Analysis Of Impacts To Historic District -- Question:** For a decision maker
11 reviewing the impact of the proposed urban village expansion into the Mount Baker Park
12 Addition, is there anything in this [EIS] that would alert them to what those impacts would be?
13 **Howard:** No. Id. at p. 273.
- 14 • **Howard on Ease and Necessity of Identifying Historic Resources In EIS:** . . . So it was
15 examples like those two [Exhibits 21 and 22] where you can quickly see where the proposed
16 changes, and even filter out areas of high intensity for potential redevelopment and compare that
17 with the available data on historic properties to understand if you're going to be placing properties
18 that have potential -- historic potential under high development pressure. And so [the Exhibit] it
19 was -- it's an effective planning tool. Hearing Day 17, Spencer Howard, p. 216.
- 20 • **Howard Responding To City Arguments About Mapping Infeasibility:** **Howard** -- It took us
21 a little over forty hours to prepare it. And that included downloading the data from the public
22 portals, being able to load it into and build the database, and then running our analysis on it, being
23 able to pull in the City's excel data on the redevelopment potential, and then being able to create

1 the maps that were turned into the exhibits, doing all the photography and the symbology on those,
2 and then making some revisions on that as well. So, generally, it went pretty fast [.....] **Bricklin:**
3 . . . Is there anything blocking the city from doing something like what you did in about forty
4 hours' time? (53:52) **Howard:** No, not that I'm aware of. No, that data is all publicly available.
5 The only data set that took a little bit more time was the surveyor eligibility recommendations
6 from the State Department of Archaeology and Historic Preservation. For that one, I actually had
7 to call the Department of Archaeology and Historic Preservation GIS analyst, and ask her if she
8 could just export us a copy. She exported out the whole database and sent it over to us. And so
9 then we worked through that. But that was the most complicated part of it. Otherwise, everything
10 else was on publicly accessible websites and already available in a database -- databases were
11 shape layer file format. So it was very easy. Hearing Day 17, Howard, pp. 216-217.

- 12 • **Howard Responding to City Cross – Howard:** Technically the GIS database that we have, and
13 the GIS software, we can see every parcel in the city. And all of the data and historic data and all
14 that information in these maps, it's there and visible. We didn't export out a whole series of static
15 maps to convey that information. We just did the overall one, and then the insets. [. . .] We had
16 thought about doing it just for the Appendix H maps. So, in the same way that the EIS did for the
17 proposed land use and zoning changes. And so those maps would be an ideal series to have had
18 that base data, and then overlay the historic. And to be able to export those out so you'd be able to
19 see clearly the proposed land use changes and the existing historic resource data. **City:** How
20 many pages would it require for you to put data reflecting this level of detail for every urban
21 village within the City? **Howard:** It depends -- we could probably do it in the same amount of
22 pages that appendix H was. Hearing Day 17, Spencer Howard, pp. 227-228.

1 **Peter Steinbrueck:** Peter Steinbrueck also identified the EIS’s alarming disregard of
2 Seattle’s historic features, speaking eloquently about the historic underpinnings of Seattle’s
3 neighborhoods, and how that historic context represents the heart of what makes Seattle great today.

- 4 • **Steinbrueck:** Well, you might look at Seattle as a collection of historic neighborhoods - some
5 of which were in fact, cities. Columbia City, Georgetown, Ballard. These were actual cities
6 that were subsequently annexed by the city of Seattle, over time. And from that standpoint,
7 Seattle's human, physical, and historic cultural assets are unique to our entire region. That's
8 why it's so popular a place to live. We are not the west side of a subdivision in Bellevue. We
9 are not the Issaquah Highlands. We have that distinction from virtually all other areas outside
10 of the city - well not with all other areas - but it's what makes Seattle unique. It's the character
11 of our neighborhoods. It's what people talk about, what they love about Seattle, and what they
12 come here for, and they move here for. And it’s what we collectively have identified through --
13 extensively through our commitment to historic preservation, as reflected in many of the
14 Comprehensive Plan policies and goals. Hearing Day 1, Steinbrueck, page 72.

- 15 • **Steinbrueck on the Comprehensive Plan, Re: Historic Resources: Steinbrueck:** [The gist of
16 the historic resource provisions reflects] [A] commitment to protecting, enhancing and
17 rehabilitating our cultural and historic assets in the city, throughout. **Question:** [...] does the
18 proposal discuss whether or to what extent it is consistent or inconsistent with these any of these
19 historic resource related policies? **Steinbrueck:** No. Hearing Day 1, Steinbrueck, pp. 73-
20 74.

- 21 • **Steinbrueck On Lack Of Post-Upzone Protection: Steinbrueck:** . . . it falls short of
22 identifying the range of historic and cultural resources in the city, much of which has been
23 inventoried, but not all. Maybe half of our city, or less, through specific context reports and

1 inventories. The presence of these historic districts is widely known. But beyond the historic
2 districts, I want -- I would take you beyond the designated landmarks and historic districts,
3 whereby our city embodies an extraordinary collection of historic resources that have no
4 protections under the current land use code. Or little protection I -- little or no protection, because
5 there is a SEPA threshold there that kicks in at some point. Id. at 105-106.

6 **Talis Abolins.** Mr. Abolins contrasted the EIS' lack of historic analysis on North Rainier,
7 against the contours of the Mount Baker Park Addition historical district, which the City proposed to
8 upzone. He explained with photographs how the City failed to recognize that the proposed eastern
9 expansion of the North Rainier Urban Village boundary would needlessly impact the historic
10 landscape, boulevard, and associated historic properties along the hillside with Franklin High School
11 and the Olmsted influenced Mount Baker Boulevard. Hearing Day 3, Abolins Testimony, pp. 223 –
12 236, and Exhibits 62, 63. This testimony echoed testimony by Spencer Howard, Peter Steinbrueck,
13 and others.

- 14 • **Exhibit 62 – Historic District Summary Information:** Article by Friends of Mount Baker
15 Town Center – “Historic Intersection of People and Place”, discussing with Northwest Vernacular
16 mapping (Spencer Howard) the significance of the boundaries and contributing parcels that
17 justified historic designation of the Addition. Hearing Day 3, Abolins Testimony, pp. 225-226.
- 18 • **Exhibit 63 – North Rainier Photo Series.** A series of photos provided the hearing examiner
19 with on the ground perspective of the proposed eastern expansion area, and other features of the
20 proposed upzones in North Rainier. The EIS would leave the City Council blind to the
21 relationship of the upzone to the formally designated historic district, as well as to the
22 topographical and land use edge conditions of the series of parcels designated for upzone. Hearing
23 Day 3, Abolins Testimony, pp. 226 – 236.

1 **Peter Steinbrueck – Edge Effects.** Peter Steinbrueck also elaborated on the EIS failure to
2 address edge effects in North Rainier.

3 • **Bricklin:** What does that term mean, edge effect? **Steinbrueck:** Sure. Let me turn to page 4,
4 Edge -- that's kind of a general planning term that addresses urban form for both built and natural,
5 where there's a condition that distinguishes perhaps one neighborhood from another, one area from
6 another, one community from another, Or divides or is a dividing line where the uses may
7 radically change from a more intense mixed use or commercial or industrial to a lower intensity of
8 use. It could be anything from a busy arterial such as 15th NE or Aurora Avenue or Rainier
9 Avenue, or to a row of trees such as in Wedgwood that has been identified in the Wedgwood
10 neighborhood plan, which is not included here, but is an important element, a defining element in
11 that edge condition. Hearing Day 1, Steinbrueck, p. 69.

12 • **Steinbrueck on North Rainier:** ... it would alter those built form, urban form conditions, and in
13 some cases potentially violate the natural form, where there's a hillside and a flat area, such as in
14 North Rainier at MLK and Rainier Avenue. So yes, in many places I think the proposed upzones
15 don't reflect on the ground conditions and existing urban form and character. Hearing Day 1,
16 Steinbrueck, at pp. 69-70.

17 • **Steinbrueck on Blind Expansion Impacting Edge Conditions:** ... Another example would be,
18 and I'll go back to Roosevelt here. The area of Ravenna-Cowen Parks where the City's proposal,
19 the MHA proposes to extend across an edge condition the urban village boundary into a collection
20 of what has been identified as a historic character neighborhood of single family, early 20th
21 century, craftsman cottages,. almost a cohesive, multi-block area, that would be upzoned basically,
22 and put all of those houses -- which will never be designated individually as landmarks --but
23

1 would all be impacted with a higher potential for tear down with this proposal and replacement
2 with infill under a different land use and development standard. Id. at pp. 86-87.

- 3 • **Steinbrueck Review of MHA Zoning Changes Relative To Edge: Bricklin:** [L]et’s go to a H-
4 59 – this is the preferred alternative for North Rainier urban village. Again dotted line showing
5 the expansion of the urban village on the portions of the east and little pieces on the south and
6 west side? [... ..] in terms of the edge effect that you’ve been indicating concern about....
7 New areas, exposed to new edge effects? **Steinbrueck:** Yes, yes. And that -- those are
8 areas where topography changes, major arterials like MLK, Cheasty Boulevard, and Rainier,
9 create a --basically a devising line, and the topography changes, and these boundary expansions
10 move those – those into single family areas. Id. at pp. 98-99.
- 11 • **Bricklin:** So does the EIS discuss in any detail the effects of creating these new edges all around
12 these urban village expansions around the city? **Steinbrueck:** No. Id. at p. 102.
- 13 • **Steinbrueck on Urban Village Expansion:** The original boundaries were adopted through the
14 most extensive community process that the City has undertaken in planning in this City, in the – in
15 the ‘90s. And I was on the City Council when we went through the docket of neighborhood plan
16 adoption and the urban village boundaries. So just there’s -- I don't want to go into the history
17 there, but there was some basis for establishing those boundaries then. There's a new basis now.
18 It's entirely different, and an entirely different process, or lack of process I should say, that has
19 resulted in these new boundaries that don't reflect community values, neighborhood plans,
20 topographic conditions, built conditions, historic resources conditions, natural environmental
21 conditions. Hearing Day 1, Steinbrueck, at p. 103.
- 22 • **Steinbrueck on Neighborhood Edge Variation:** Well, I gave us some examples there. I've
23 given the example of North Rainier here where you have historic landscape that is part of the

1 Olmsted legacy that adjoins the hub urban center there, and you have a set of – of – of housing
2 that is of historic character and quality, single family. And you have institutional use there with
3 the Franklin High / Franklin Field. And these things play no part in the determination of the
4 boundary move -- the edge – moving the edge. **Bricklin:** And do they get discussed in the EIS?
5 **Steinbrueck:** No, they do not. Id. at p. 104.

6 **3. The City’s Environmental Analysis Is Flawed Because It Ignored And**
7 **Contradicted Key Provisions Of The Comprehensive Plan.**

8 As a matter of state law, the Comprehensive Plan plays a fundamental role in guiding the City
9 on matters relating to land use, development regulations, growth management, and environmental
10 resources. See Comprehensive Plan, Exhibit 3. The City’s Comprehensive Plan embodies Seattle’s
11 “Urban Village Strategy”, providing Citywide and neighborhood level goals and policies that must be
12 followed by the City in its implementation of Citywide or neighborhood level proposals and projects.
13 Numerous witnesses explained how the City’s FEIS disregarded numerous features of his ultimate
14 planning tool, in rolling out a sweeping set of upzones that is replete with inconsistencies and
15 frustrations of the governing Comprehensive Plan provisions.

16 **Peter Steinbrueck.** Mr. Steinbrueck came to the hearing with an unparalleled level of
17 expertise and experience, including three terms with the City Council, and many years subsequently as
18 a consultant hired by the City for the very purpose of helping the City implement its urban village
19 strategy. Hearing Day 1, Steinbrueck, pp. 29-32. During his testimony, Mr. Steinbrueck emphasized
20 his dismay at the City’s recent turn away from decades of neighborhood planning, as reflected in the
21 Comprehensive Plan.

- 22 • Mr. Stenbrueck discussed the Comprehensive Plan’s role with regard to urban character and
23 form, and related Neighborhood Plan examples: **Steinbrueck:** There are numerous references

1 to preserving and protecting neighborhood single family character, goals for preservation of
2 the historic aspects of some neighborhoods - not necessarily designated or not. A desire to
3 maintain the uniqueness of our city as it's reflected through its neighborhoods and through
4 these neighborhood plans. Every single neighborhood and urban village has its own distinct
5 characteristics and qualities and people value that deeply. That's why we're here. Hearing Day
6 1, Steinbrueck, pp. 68-69.

- 7 • Mr. Steinbrueck explained how the City's approach affirmatively undermined the critical role
8 of the Comprehensive Plan in guiding the City's growth: **Bricklin:** You mentioned earlier
9 that part of the proposal would eliminate... would make a Code Amendment change impacting
10 the consideration of Comprehensive Plan consistency in the future. What was that about?
11 **Steinbrueck:** Yes. I think that was on the list of implementation measures that would be
12 called for. This one is particularly troubling to me... because what we have historically relied
13 on in considering upzones, anywhere in the city, has been the city's general rezone criteria and
14 locational criteria under SMC 3.34.008. And among other things, for me this has always been
15 a safeguard in considering upzones, because it provides... and I have as a decision maker been
16 directly involved in the application of this rezone criteria over countless occasions. And I felt
17 that, as... you know because we have this as a matter of law, that it would serve to ensure
18 better results in considering rezones - so that they are not arbitrary, so that they're applied in a
19 manner that addresses many longstanding important factors at the neighborhood level and at
20 the citywide level. The proposal calls for striking reference to the neighborhood plans and the
21 rezone criteria, striking it out... wiping it out. **Bricklin:** And does the EIS... and what
22 would the effect of that be, of eliminating that criteria? **Steinbrueck:** Arbitrary imposition
23

1 of rezones. **Bricklin:** And does the EIS analyze the impact of that at all? **Steinbrueck:** No.
2 Hearing Day 1, Steinbrueck, pp. 81-82.

3 **4. The EIS And Its Unreasonably Narrow Range Of Alternatives Was Based On A**
4 **Misleading Socioeconomic Analysis Designed To Support The Predetermined**
5 **Outcomes Of The So-Called Grand Bargain.**

6 At its core, the EIS for the MHA is the City's attempt to rubber stamp an affordable housing
7 program that was hatched in a divisive political environment, where the important policies of
8 environmental review under SEPA were treated as hostile and distracting impediments to the City's
9 juggernaut pursuit of the MHA as reflected in a nearly identical set of alternatives, virtually
10 unchanged from its original pre-SEPA permutation.

11 At the hearing, the appellants presented a series of expert and other witnesses who illuminated
12 the fallacies of the City's socioeconomic analyses with regard to displacement, market forces,
13 segregation, and small business. These witnesses included Levitus (Hearing Day 7), William Reid
(Day 2 and 19), Peter Steinbrueck (Day 1 and 3), Michael Ross (Day 3), and Talis Abolins (Day 3).

14 **Peter Steinbrueck.** Peter Steinbrueck, who previously authored the small business report that
15 ultimately saved the University Avenue ethnic and small business district from the MHA in that
16 neighborhood, described the need to refine boundaries based on livability and environmental factors,
17 and later found the City had altered his report to completely exclude such consideration based
18 explicitly on the political :

- 19 • **Steinbrueck – On City Modification To His Urban Village Report:** [The City] eliminated or
20 redacted Task 3 pages 130 through I believe 156 of the report. **Bricklin:** And what was the gist
21 of that part of the report. Evaluation, the title "evaluation of livability characteristics for the urban
22 villages." And then there are several sub areas analysis of the 2035 draft plan for livable growth
23 strategy livability goals and policies recommendations for new goals and policies, key livability

1 indicators analysis and recommendations and a literature review which I undertook of cities in
2 other parts of the country and research in this area. **Bricklin:** Did the city explain to you why
3 they had redacted a portion of your report. **Steinbrueck:** [00:10:26] This is anecdotal and a
4 recollection of a conversation I had with my project manager Tom Hauger who was the city's top
5 comprehensive plan, senior planner, and who I reported to, in the undertaking of his work. He said
6 it wasn't needed as I recall, this section because the HALA MFA agenda had leaped forward and I
7 was six months too late to be making these recommendations. It was not relevant at that point.
8 This is what I recall as the explanation. And I was concerned about that because I felt that this was
9 very important information to help inform the MHA program and I wanted them to have the
10 opportunity to consider this work. It had shifted from the planning, comprehensive planning
11 division of the city to the more political side of things which was the momentum behind MHA.
12 Hearing Day 3, Steinbrueck, pp. 28 – 30.

- 13 • **Steinbrueck on Central Role of City's Growth and Equity Analysis.** **Bricklin:** How did the
14 Growth and Equity Strategy inform the alternatives that were developed in the EIS?
15 **Steinbrueck:** It is the primary, if not sole determinant, of all each of the alternatives other than
16 alternative 1. . . . Well, again, [the City's analysis] it's based on I would say a very limited
17 study based on some experimental criteria: demographics, race, incomes, households, etc. And a
18 theory was developed around what areas of the city constitute areas of high displacement, low
19 displacement – and we're talking specifically residential displacement and not unemployment
20 displacement - and areas of opportunity, where if you live in a particular neighborhood, let's say
21 Rainier Beach versus Queen Anne, you're going to have very low opportunity if you grow up in
22 Rainier Beach versus Queen Anne. top of Queen Anne. So that's the construct. It is the driver for
23 the entire MHA set of alternatives. Hearing Day 1, Steinbrueck, p. 118 – 119.

1 • **Steinbrueck on Admitted “Limitations” of Socio-Economic Analysis In EIS.** Mr. Steinbrueck
2 (as well as other witnesses) noted that the Growth and Equity Analysis, attachment “A” to the EIS,
3 acknowledged the dangerous inadequacy of its own socioeconomic construct. See EIS
4 Attachment A, page 15. The narrow and unreliable EIS is based on a foundational but self-
5 deprecating document which acknowledges that its “high level assessments [] can inform but
6 should not predetermine decisions about growth investment and policy”, and that “Greater
7 historical and qualitative context is needed to avoid simplistic conclusions” Hearing Day 1,
8 Steinbrueck, at p. 121, citing Appendix A of FEIS, page 15. **Bricklin:** And does the EIS analyze
9 the impact on businesses analyze the proposal’s impact on the rate of displacement of minority
10 owned businesses in areas that are impacted by the proposal. **Steinbrueck:** No it does not. No.
11 Hearing Day 1, Steinbrueck, pp. 120.

12 • **Steinbrueck on Small Business, Race and Social Justice.** During the hearing, SCALE
13 discovered and revealed that the City’s superficial nod to “equity” in the Growth and Equity
14 analysis was a charade, designed to hide a complete subversion of its own Race and Social Justice
15 review processes. Mr. Steinbrueck noted that the analysis was also flawed for its myopic focus
16 on rental housing, disregarding the socioeconomic importance of retail and business activity, as a
17 component of upward mobility and economic progress – **Bricklin:** So this whole focus on race
18 and social justice, it was limited to the residential market because and did not address the retail
19 market. **Steinbrueck:** That is correct. Hearing Day 3, Steinbrueck, p. 22.

20 **Talis Abolins.** Talis Abolins highlighted the EIS and its disregard of socioeconomic goals and
21 policies for the North Rainier Town Center, which called for the City’s promotion of economic
22 conditions in Rainier Valley through the creation of a mixed use center on key Town Center blocks,
23 with a small and ethnic business district on the first floors, and a range of housing options above. This

1 Town Center was a core feature of the Comprehensive Plan for North Rainier. Yet the City ignored
2 the existing conditions of the area, which are profoundly challenged, and also failed to analyze the
3 segregationist tendencies of its “in lieu” payment formula.

- 4 • **Exhibit 64 – Puget Sound Business Journal Column By Peg Giffels and Huy Dang.** This
5 article provided context to the unique socioeconomic challenges and conditions of the North
6 Rainier Urban Village, and the need for City awareness of sensitivity to the Town Center plan.
7 Hearing Day 3, Abolins, pp. 238 – 243.
- 8 • **Michael Ross:** Michael Ross also confirmed the risk of plan failure arising from the City’s
9 failure to properly analyze or understand the risk and impact of over concentration of
10 subsidized housing within the Town Center’s core parcels. Hearing Day 3, Michael Ross, pp.
11 193 – 196 and related Exhibits.
- 12 • **Steinbrueck on Economic Revitalization.** Peter Steinbrueck described the EIS failure to
13 take into account Comprehensive Plan provisions that were to guide socioeconomic analysis
14 during growth, including policies to: “Encourage rehabilitation opportunities and reinvesting
15 in vacant or underutilized historic properties to spark economic revitalization”; “Increase
16 rehabilitation of existing housing units and other building types that expand affordable housing
17 choices and contributes to market rate and workforce housing”. **Bricklin:** . . . to be more
18 specific, does the EIS ever discuss that Columbia City policy or any of the other housing
19 policies that you've listed here? **Steinbrueck:** No. Hearing Day 1, Steinbrueck, p. 80-
20 81.

21 In conclusion, the Friends of the North Rainier Neighborhood Plan respectfully ask that the
22 FEIS be declared invalid and remanded for a review to protect the environmental features that will
23 allow our City to grow in a manner that is livable and just.

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DATED this 19th day of October, 2018.

FRIENDS OF THE NORTH RAINIER
NEIGHBORHOOD PLAN

By /s/ Talis Abolins
Talis Abolins, Co-Representative with
Marla Steinhoff

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Declaration of Service

Talis Abolins declares that on the 19th day of October, 2018, I filed with the Hearing Examiner and delivered by email as allowed by the Second pre-hearing order of February 16, 2018, Appellant FNR's Closing Argument Brief and Joinders (with record citations):

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I declare under penalty of perjury under the laws of the state of Washington that the foregoing information is true and correct.

DATED this 24th day of September, 2018, at Seattle, Washington.

/S/ Talis Abolins

Talis Abolins, Friends of North Rainier Neighborhood Plan