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Response to Motion to Dismiss MUP 15-010-MUP 15-015

Project Number: 3012953

Address: 500 17th Ave

The Cherry Hill Community Council represents neighbors living in the area directly north of the proposed expansion. We don't have the means to hire attorneys to help us in this process so our arguments may not have the weighty sound of those done by professionals but they are no less valid. We want to express our opposition to the respondent's joint motion to dismiss. We believe the reasons we've stated below mean that this motion should be denied outright.

SMC 25.05 states that the primary purpose of an environmental impact statement is to ensure that SEPA's policies are an integral part of the ongoing programs and actions of local government. SEPA requires in this case both an EIS and MIMP. The MIMP did not provide balance between the institution and the adjacent neighborhoods in part because the EIS is inadequate in a variety of areas including the height, bulk and scale impacts, traffic congestion and the increased health and safety issues resulting from increased traffic congestion creating LOS F intersections. Basically creating gridlock then goes on to conclude, 'Although the location and specific amount of growth is unknown, incremental increases in traffic emissions likely would be small.' There are many projects already permitted in the neighborhood such as T. T. Minor and several large apartment/condo projects which logically can only result in more intersections at LOS F. More idling cars create more emissions and road rage putting the community at risk.

Additional analysis is an option that may be included in the EIS whether or not it's environmental and may be based on comments made during the scoping process. We are not challenging whether additional analysis can be used to determine if the EIS meets SEPA requirements. However the additional analysis may be used to determine whether the MIMP is adequate. These considerations (in SMC 20.05) were not addressed in their entirety.

An EIS shall provide impartial discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality. This was not adequately addressed in the EIS

SMC 25.05 also states that when a proposal is for a private project on a specific site, the lead agency shall be required to evaluate only the no-action alternative plus other reasonable alternatives for achieving the proposal's objective on the same site. This subsection shall not apply when the proposal includes a rezone, unless the rezone is for a use allowed in an existing comprehensive plan that was adopted after review under SEPA. Further, alternative sites may be evaluated if other locations for the type of proposed use have not been included or considered in existing planning or zoning documents.



Other considerations mentioned are urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures. Additionally regional, City, and neighborhood goals, objectives, and policies adopted or recognized by the appropriate local governmental authority prior to the time the proposal is initiated are to be considered.

There is acknowledgement in the EIS that the height, bulk, and scale of the proposed buildings on the main campus area of Swedish Cherry Hill would change the view from a lower density mixed residential and commercial neighborhood to a higher density urban setting. The City and its residents went through a long planning process to determine where growth should occur. This type of height, bulk and scale was envisioned in the Urban Villages not in residential neighborhoods.

The neighbors who are members of the Cherry Hill Community Council are dedicated to our community and want to preserve its livability. In our appeal we have raised issues that are relevant and should be considered. The EIS is biased and unbalanced and a determination that is based on it should be reconsidered. As we have demonstrated the decision of the Director of the Department of Planning and Development's decision that the Environmental Impact Statement is adequate is in error. The EIS failed to adequately present and analyze significant adverse environmental impacts and to present and analyze reasonable alternatives that would mitigate those impacts.

Thank you for this opportunity to express our concerns.

Cherry Hill Community Council
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