

In the Matter of Citizens for Livability SEPA Appeal

Hearing Examiner File # W-16-003

Appellant's Closing Argument

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Introduction

Comprehensive Plans are important. They set the framework for growth in a city for the following years and describe how the city intends to deal with the impacts of that growth by public investment.

Likewise, an EIS on the Comprehensive Plan is also important. It provides analysis of the effects of the policies being proposed, describes the growth and other impacts of these policies and shows how these impacts can be dealt with. The public and Council depend on the EIS to be fair and complete so that they can have a discussion of the proposed policies.

The Citizens for Livability in Ballard appealed the adequacy of the EIS on the proposed Comprehensive Plan on the following grounds as discussed in our original appeal submittal:

- A. Alternatives presented do not meet the requirements of WAC 197-11.
- B. Elements of the Alternatives presented, in specific cases, do not meet the requirements of a Comprehensive Plan as defined in RCW and therefore are not valid alternatives.
- C. The analysis presented does not address the impacts of proposed specific provisions of the proposed Comprehensive Plan.
- D. The analysis presented does not meet minimal standards of professionally accepted analysis of specific impacts, in some cases does not meet the city's standards or provide the type of analysis presented by previous EISs prepared by the city.

Issue A - Did EIS evaluate alternative Comprehensive Plan policies, as defined by WAC 197-11-442(4)?

We outlined in our original appeal statement:

- A.2.a. The EIS analyzes different growth allocation alternatives, not the specific policies proposed and the impacts that will result from those policies.
- A.2.b. The EIS does not, in fact, analyze the specific provisions of the Comprehensive plan, or the impacts that will result from those provisions,
- A.2.c. The Alternatives considered in the EIS do not meet the criteria of WAC 197-11-440(5)(b):

Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.

A.2.d. The EIS does not meet the requirements that the SEPA Guidelines direct in WAC 197-11-402(10)

EISs shall serve as the means of assessing the environmental impact of proposed agency action, rather than justifying decisions already made.

The alternatives considered in this EIS are designed to justify decisions made by the Mayor and/or planning staff by providing unsubstantiated conclusions that the preferred alternatives would result in a lower level of environmental impact.

A.2.1. The City's contention that growth scenarios are policy alternatives is an incorrect interpretation of the facts.

Both the appellants and the city agree that alternative policies are an important part of an EIS. Without them, an EIS is incomplete.

It is clear that the City regards the different growth scenarios as policy alternatives. However, because the City states that they are policy alternatives does not make it so. Throughout the testimony, city staff and its consultants contended that the EIS alternatives and analysis contained in the EIS represented normal practice. However, since they are reviewing their own work, their views may not be objective. What are the facts?

The EIS analyzes different growth allocation alternatives, not the specific policies proposed and the impacts that will result from those policies. There is no indication in the Draft and Final EIS of the way in which the growth projections are related to specific policies.

A Comprehensive Plan is defined in RCW 36.70A.030(4): "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

Growth scenarios are not coordinated land use policy statements.

(1)The Council is not being asked to adopt growth alternatives.

(2)The "growth alternatives" are not tied to specific Comprehensive Plan policies.

The Appellants asked both Hauger and Clowers how the policies were linked to the growth scenarios and they did not cite a link. This is because there is none.

- Is growth tied to changes on the Future Land Use map in Urban Villages?

Hauger specifically testified that all the alternatives could be accommodated by existing zoning with no changes in policies nor changes in Comprehensive Plan map designations.

- Is growth tied to retaining or eliminating the LOS park standard in the plan?
The LOS parks standard is dropped under all alternatives; therefore it cannot be linked.
- Is growth tied to the elimination of the parking standard in the Plan?
No, the elimination of the parking standard is also in all alternatives—no link.
- Is growth tied to the inclusion of a new Transportation Level of Service (LOS) standard?
No, we heard testimony that the Transportation LOS standard was developed to accommodate all scenarios—therefore there is no link.

The city staff and consultants in their testimony were unable to identify any differences in policy that would produce the different levels of future growth.

Therefore how can policies be tied to the “alternatives”? We would expect to have been shown that Policy A leads to growth outcome A and that policy B leads to growth outcome B.

However, if growth alternatives are not policies, what are they?

They are only economic outcomes, to be decided by private sector development. Policies clearly do not direct growth, nor is the City asserting that they influence the private sector decision making as to where growth should occur. The growth options are simply different responses the market could make to the development opportunities provided in the city, irrespective of the proposed amendments to the Comprehensive Plan or any alternatives.

Appellants have shown that the growth alternatives described by the city as “policy alternatives” are not policy alternatives, but only growth scenarios, and that the proposed LOS standard is an invalid alternative under GMA. Therefore the EIS does not present Comprehensive Plan policy alternatives.

A.2.b: In addition, the timing of the Draft EIS and the Staff Comp Plan indicate that the Comprehensive Plan policies weren’t reviewed in the Draft EIS

Weinman testified that policies weren’t complete when the DEIS was issued.

As noted on the covers, the Draft EIS was issued in May 2015, about 2 months prior to the issuance of the Draft Plan (July 2015). The Mayor’s recommended plan was issued in May 2016, and the FEIS still didn’t include policy alternatives. This is another indication that the policies and the alleged “growth alternatives” are not connected.

Because no policy alternatives were presented in the EIS, the EIS fails to look at alternatives to policies that are in the Comprehensive Plan to determine whether some of these policies can achieve the goals of the plan at less environmental cost.

A.2.c. The Alternatives considered in the EIS do not meet the criteria of WAC 197-11-440(5)(b):
Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.

There is no alternative that reduces the impacts of the proposal, based on analysis of impacts, if such an analysis had been prepared.

The testimony of Hauger, Clowers, Weinman and Munkberg all confirm that the city and their consultants did not consider or implement this provision of the SEPA rules. Their testimony confirms that they ignored this provision, while providing no explanation, except that they had done so previously in other EISs.

WAC 197-11-440 EIS contents Subsection (5)(vi) contains the following mandate:

Present a comparison of the environmental impacts of the reasonable alternatives, and include the no action alternative.

There is, however, in the Draft and Final EIS, no reference to "No Action" that includes a reference to the existing Comprehensive Plan policies or maps.

A.2.d The Alternatives do not meet the requirements of WAC 197-11-402 (10):

EISs shall serve as the means of assessing the environmental impact of proposed agency action, rather than justifying decisions already made.

The alternatives considered in this EIS are designed to justify decisions made by the planning staff by providing unsubstantiated conclusions that the preferred alternatives would result in a lower level of environmental impact.

Again, the testimony of Hauger, Clowers, Weinman, Munkberg, O'Neill and others all confirm that the city and their consultants did not consider it necessary to discuss other approaches than the Mayor's recommended plan.

It is especially notable that no consideration of alternatives raised in comments on the DEIS were considered by the city, including comments by the NPLUC on FEIS pages 4-48, 4-53 by the Fremont Neighborhood Council on page 4-58, Historic Seattle on page 4-78, SCIP on page 4-83, Seattle Green Spaces Coalition on page 4-111, Joel Darnell on page 4-195 and a variety of others.

We outlined in our original appeal statement:

B. The Alternatives presented, in specific cases do not meet the requirements of a Comprehensive Plan as defined in RCW 36.70a.070(6) and therefore are not a valid alternative.

1. Use of the “share of drive-alone trips” as the definition of LOS does not meet the requirements of RCW 36.70a.070(6)(iii) Facilities and services needs, including:
 - (b) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to measure the performance of the system.
2. The proposed LOS standard does not assess the “performance of the system.” The “share of drive-alone trips” is one component of the inputs that result in “performance of the system” but provides no information about how the facility actually performs, or operates.
3. The Final EIS on page contains on page B3-6 a statement that clearly indicates that other alternatives to the proposal are available but were not considered in the EIS.

Is the proposed change to Transportation Level of Service a valid alternative under GMA? Appellants believe that City did not make the case that the SOV standard proposed is a valid alternative under SEPA rules. Notwithstanding of whether that is true, they did not present alternative policies, in the EIS. They discussed those policy alternatives internally and disclosed those policy alternatives only as a result of discovery.

As stated in our original appeal statement:

The City staff’s preference is an interesting fact, but presenting only one alternative in a case where many options are available, is contrary to the provisions of WAC 197-11-402 (9):

The range of alternative courses of action discussed in EISs shall encompass those to be considered by the decision maker.

The range of alternatives should be considered by the City Council, the decision-maker. All information developed and presented to the staff should be presented in the EIS to allow the decision maker and the public to fully consider alternatives.

Inclusion of only the staff recommendation is also certainly a case of an action prohibited by WAC 197-11-402 (10)

EISs shall serve as the means of assessing the environmental impact of proposed agency action, rather than justifying decisions already made.

In testimony at the hearing and in other information submitted, the city provided no evidence as to why the Transportation alternatives that the city looked at were not addressed in the EIS. (Were they not valid alternatives for some reason, or did they lead to a different potential range of impacts?) Therefore, they should have been presented and the environmental impacts assessed.

In the case of the Transportation LOS standard proposed in the Final EIS (it was not proposed in the Draft EIS), the City agreed they looked at a variety of alternatives.

- Appellants asked if there are alternative ways to add capacity to the transportation system, and Mr. O’Neill (1st day) agreed that there were, citing examples of left turn lanes and signal timing.
- O’Neill and Brieland also noted that various ways of measuring LOS were discussed at staff workshops.
- O’Neill agreed that if congestion lessened on arterials, then drivers would switch from side streets to arterials. Brieland (2nd day) agreed when he talked about “density”.
- O’Neill talked about efficiency of system (1st day), but didn’t tell us how that translates to a measurement of system performance.
- Cohn asked Brieland (2nd day) about whether having people switch from side streets to arterials if there are fewer cars due to more “efficient” movement of people; Brieland was non-committal about how that would impact “system performance”

Specifically, O’Neill and Brieland testified that staff considered using an Intersection LOS standard and concluded that it wasn’t appropriate to use citywide. The WAC does not suggest that staff has the right to present only one choice, they have to provide alternatives for the Council and public to review. In testimony, City testified as to why the LOS alternative didn’t work; they didn’t tell us why they didn’t include that info in the EIS so others could decide if they agree with the city’s conclusion.

The Hearing Examiner asked O’Neill whether it was impossible to do LOS intersection analysis in Seattle; he said it would have been possible to do, but not easy. The issue was whether city has identified intersections to study. Cohn asked whether these could be identified; O’Neill said that the City could do this, but hasn’t done so.

As discussed in our original appeal submittal:

- C. The analysis presented does not address the impacts of proposed specific provisions of the proposed Comprehensive Plan.

The City asserts that because this is non-project EIS, the discussion of impacts of certain options (projected household growth, elimination of parks LOS standard, elimination of parking standard) can be a generalized discussion of impacts.

The city failed to do this.

As stated in the original appeal, the FEIS doesn’t identify the wide range of changes made to policies in the proposed Comprehensive Plan. Because it doesn’t identify them, or even if the cases where they are identified, the EIS does not, in fact, analyze the specific provisions of the Comprehensive plan, or the impacts that will result from those provisions.

In testimony, witnesses noted several times that the Plan does not make any changes to regulations, and therefore doesn't have any impact.

This is contrary to the long-standing position of Washington courts:

One of SEPA's purposes is to provide consideration of environmental factors at the earliest possible stage to allow decisions to be based on complete disclosure of environmental consequences. *Stempel v. Department of Water Resources*, 82 Wn.2d 109, 118, 508 P.2d 166 (1973); *Loveless v. Yantis*, 82 Wn.2d 754, 765-66, 513 P.2d 1023 (1973). Decision-making based on complete disclosure would be thwarted if full environmental review could be evaded simply because no land use changes would occur as a direct result of a proposed government action.

King County v. Washington State Boundary Review Board for King County, et al, 122 Wn.2d 648, 860 P.2d 1024 (1993).

The Draft EIS in Section 3, Environmental Analysis makes very few references to changes in policies that lead to impacts. Instead, impacts are largely related to the growth scenarios, which Hauger's testimony confirms could occur under the exiting Comprehensive Plan, and even these are inadequately analyzed.

C.3.a. Policies identified but not addressed included DEIS page 1-10 FEIS Page 1-21: Land Use Element. A change in the land use designations used on the Future Land Use Map (FLUM) for urban villages is being considered, including a change in the land use designations used on the Future Land Use Map (FLUM) for urban villages of applying a single designation.

The City asserts that change to the land use map (consolidating all comprehensive plan/zoning categories) into a new category isn't going to lead to a change in zoning or regulations and therefore has no impact.

A particularly perplexing statement in the testimony of Hauger was that the land use map changes to collapse the map designations into a single designation would have no effect on future zoning.

This is in contradiction to the provisions of RCW 36.70A.040(4)(d):

...the county and each city that is within the county shall adopt a comprehensive plan and development regulations **that are consistent with and implement** the comprehensive plan... [Emphasis added]

It is also inconsistent with RCW 36.70A.130 (1)(d):

Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

It is also inconsistent with WAC 365-196-500(3):

The development regulations must be internally consistent and be consistent with and implement the comprehensive plan.

What are the impacts of this change? As an example, under the current Comprehensive Plan policies and maps, land designated L-1, L-2 and L-3 can be zoned to the equivalent zoning designation. Under the proposed maps collapsing all designations into one, the areas currently zoned L-1 and L-2 could be rezoned to L-3 densities in conformance with the Comprehensive Plan.

Using the acreage and floor area ratio (FAR) data in Exhibit 10 in the City's Exhibit list, the Development Capacity Report, September 2014, if the L-1 and L-2 parcels in all urban villages are upzoned as allowed in the proposed Urban Village maps, the resulting potential floor area under the L-3 zoning (subtracting existing building area) would double and the number of additional residential units allowed would exceed 207,000, or almost triple the total increase in housing units forecast for the planning period to 2035.

This redesignation provides for the future upzoning of all such designated lands into the highest density provided for in the zoning code with no guidance from the Comprehensive Plan. The impacts of this higher density and intensity of use and higher and larger scale buildings must be analyzed for the specific geographic areas where the combined designation is proposed and the difference between the existing designation and the top of the range identified. The impacts must be identified for Land Use Compatibility and Height, Bulk and Scale.

The city's response to this is to cite the fact that this is a non-project EIS.

In this case however, the specific impacts of intensity of use and greater size and bulk or buildings, as well as the increase in future growth is available. This is a clear case of simply thwarting full disclosure, as cited in numerous court cases (*Loveless v. Yantis*, *King County v. Washington State Boundary Review Board for King County*, et al)

The EIS should have discussed growth impacts, including the impacts on the elements of the environment that are particularly important to the public (since public dollars pays for them)—schools, parks, and transit service.

C.3.b. The FEIS states on pages 2-5 and 3.2-19: Parks and Open Space Goals. Proposed revisions would discontinue the quantitatively-expressed goals for parks/open space in the current Urban Village Appendix, and replace them with a more general commitment to expand open space to meet the needs of the community, with additional details about goals and commitments to be defined at a later date. This also relates to elimination of current Policy UVG14 regarding provision of parks in urban villages.

1. City is required to fully disclose impacts of parks Level Of Service change, not just discuss a limited set of impacts. The EIS says that dropping the standard would not affect

anything because the standard exists in other documents. It ignores the impact that dropping the standard from the Plan provides no guidance for the future adoption of other plans and would not allow city to collect impact fees to help pay for new parks facilities because GMA requires and LOS standard in the Comprehensive Plan in order to collect impact fees.

2. City did not disclose impact on individual park user. The EIS discussed that there are gaps, but didn't discuss what "gaps" meant in terms of the user. When asked on the 2nd day, Clowers agreed that some parks might be overcrowded, but asserted that individual user could go to another park to get same experience. In cross-examination, he seemed to agree that some parks weren't accessible to some people because there is no bus service there.

This points out very clearly the lack of meaningful impact assessment. The assessment that is performed is based on a standard the city proposes to eliminate, leading to a contradiction, at best. There is no discussion of what functions parks perform for the citizens who use them and consequently no discussion of the impacts of having fewer park resources in proximity to Urban Villages affects residents or meets or confounds the qualities the city seeks to create in those villages.

C.3. c. There is no specific discussion of the impacts of policies LU 6.1, LU 6.2 and LU 6.1 that propose establishing parking requirements at levels that further the plans goals of increasing non-SOV use, modify residential parking to recognize differences in auto ownership, and to rely on "the market" to determine the amount of parking needed.

As discussed in our original appeal submittal:

D. The analysis presented does not meet minimal standards of professionally accepted analysis of specific impacts, in some cases does not meet the city's standards or provide the type of analysis presented by previous EISs prepared by the city.

D.1 Level of Service: Analysis in DEIS Pages 3.7-17 states:

The standards included in the current Comprehensive Plan are used to determine significant transportation impacts in this EIS. The Comprehensive Plan sets the PM peak period level of service (LOS) standards for locally-owned arterials and transit routes. The City uses "screenlines" to evaluate autos (including freight) and transit since buses generally travel in the same traffic stream as autos.

It further sets a threshold for significance on DEIS page 3-7-31 only in reference to those screenlines.

D.1.a. It is vital to consider the differences between policy and impact analysis:

Impacts are defined by WAC 197-11-752 as

“the effects or consequences of actions.” A “significant impact” is defined in 97-11-794 “as a reasonable likelihood of more than a moderate adverse impact on environmental quality.”

The key is environmental quality. It would completely frustrate the purpose and intent of SEPA in RCW 43.21C.020 to avoid disclosure of consequences by using a methodology known to be inaccurate and misleading.

The city notes in Exhibit 13, Public Scoping Comments that

“the EIS should strive to address impacts in greater detail, to the neighborhood and subarea level with tools or measures,”

However, the city did not incorporate such methodologies or give an indication of why these would not be appropriate.

D.1.b. The screenline analysis is used by the city for concurrency. It does not meet professional standards established by the Transportation Research Board (TRB) of the National Academies for computing the capacity and quality of service of arterials provided in the Highway Capacity Manual.

There is no city policy providing for the use of the screenline analysis for environmental impact analysis

Section H of the Comprehensive Plan refers only to its use in relation to the Growth Management Act:

The Growth Management Act requires that the Comprehensive Plan include level-of-service (LOS) standards for all locally-owned arterials and transit routes to judge the performance of the system. The LOS standards identify minimally acceptable travel conditions on arterials and the transit network. The City has decided to use a system-wide method as a basis to assess the performance of the transportation system.

There is nothing in SMC Chapter 25 that states that the screenline methodology used for concurrency will be used for SEPA analysis.

In fact, SMC 25.05.675. R.2 Transportation Policies provides:

- a. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety and/or character of a neighborhood or surrounding areas.

c. Mitigation of traffic and transportation impacts shall be permitted whether or not the project meets the criteria of the Overview Policy set forth in SMC Section 25.05.665.

The city notes in Exhibit 13, Public Scoping Comments that

“the EIS should strive to address impacts in greater detail, to the neighborhood and subarea level with tools or measures,”

However, the city did not incorporate such methodologies or give an indication of why these would not be appropriate.

D.1.c, d. Although the city can use the screenline analysis methodology, it does not absolve the city of the responsibility for a “reality based” analysis of actual operation of facilities. The city, in fact, recognizes the need for operational analysis by routinely requiring HCM (Highway Capacity Manual) LOS analysis for development projects and provides SEPA policies in SMC 25.05.675.R.

The city has included LOS analysis in other non-project EISs for planning projects. These include

- Downtown Seattle height and density changes Draft
- U District Urban Design Alternatives Draft EIS
- University Area Transportation Action Strategy
- Northgate Coordinated Transportation Investment Plan EIS
- South Lake Union Height and Density EIS

The Hearing Examiner asked O’Neill whether it was impossible to do a citywide LOS intersection analysis in Seattle; he said it would have been possible to do, but not easy.

D.1.e, f. The EIS, in fact, includes additional metrics to help illustrate the differences between existing conditions and each of the future year alternatives. The EIS states that they are not used to identify deficiencies or impacts within this environmental document. In fact, they do identify impacts – defined by WAC 197-11-752 as “the effects or consequences of actions” and these impacts need to be addressed.

D.1.g. The screenlines used by the City of Seattle and shown on DEIS Figure 3.7-10 bear little or no relationship to the routes of actual trips or alternatives available to a driver making a trip from one destination to another.

D.1.g.2 Some of the methodologies contain incorrect assumptions leading to incorrect conclusions. For the Ballard Bridge, the methodology described on DEIS page A4-27 is:

Uninterrupted flow two-lane roadway in the southbound direction; the 5 percent reduction for an undivided roadway was applied rather than the 25 percent

reduction since no left turns are permitted. Class I three-lane roadway with exclusive left turn lane in the northbound direction (approaching Market Street)

This, however is in error because there are only two (2) northbound lanes on the Ballard Bridge rather than the 3 lanes used. According to Table A.7, with the speed limit is 30 and two lanes, the capacity would be about 1,700 rather than the capacity listed on Table A.7–20 of 2870.

For southbound lanes, the Ballard Bridge is treated as an uninterrupted highway. However, this ignores the merge from NW 45th Street and the right turn on the south side of the bridge at Emerson and that the right lane is often blocked by backed up traffic?

For these reasons, the City's existing capacity for the southbound lanes of 2,800 vehicles is more accurate than the 3,410 used in the DEIS.

D.1.g.3 The Montlake Bridge screenline 5.16 is another case where the analysis model results in inaccurate descriptions of impacts.

As indicated in the SR 520 Transportation Discipline Report (EXHIBIT 131) on page 6-2:

Traffic congestion associated with the eastbound SR 520 on-ramp can extend back across the Montlake Bridge. **When traffic is backed up in the outside right lane, Montlake Boulevard southbound is constrained to one lane** for drivers traveling to the south of SR 520. During the morning and afternoon commutes, traffic typically backs up on southbound Montlake Boulevard approaching the on-ramp to eastbound SR 520. Traffic congestion can extend across the Montlake Bridge to the Montlake Boulevard/NE Pacific Street intersection and as far back as 25th Avenue NE near University Village (approximately 1 mile). Congestion can also occur on NE Pacific Street eastbound, extending back through the NE Pacific Place intersection. [Emphasis Added]

D.2. Parking analysis: The analysis on DEIS page 1-23 and FEIS page 1-25 states that no significant unavoidable adverse impacts to transportation and parking are anticipated. This conclusion contradicts the analysis in DEIS pages 3.7-9 to 13 and 3.7-45 to 47.

Furthermore, the analysis is not supported by analysis or reference, is speculative, and justifies a decisions already made rather than accurately describing the environmental impact of the proposal as required by WAC 197-11.

The analysis must specifically address the provisions of proposed policies LU6.1, LU6.2 and LU6.3 which would allow unlimited shifting of private parking supply to public streets.

In analyzing the impact of the change, the City didn't analyze the impact to surrounding neighborhood, instead only reported nearby paid parking usage. When questioned why this impact wasn't analyzed, the City testified that they didn't have the data.

- Shaw testified (1st day) that there are situations where developers ask to provide less parking than what developments typically generate, and when asked where people park, responded that the city recognizes that situations occur where there is not enough parking.

The conclusion is that people have to fend for themselves and find parking where they can.

- Brieland testified (2nd day) that RPZs (residential parking zones) would provide enough parking on a citywide basis, but in individual cases, there could be situations where there would not be enough parking on the street to accommodate demand in an RPZ area and there would be spillover to other neighborhoods.

The conclusion is that RPZs will not solve the problem of parking that “spills over” to adjacent neighborhoods; people will either park in the RPZ neighborhood for the maximum time allowed, or move the car to another nearby neighborhood that doesn’t have an RPZ.

- City alleges that car ownership is affected by availability of transit. Clowers (2nd day) testified that he agreed with the appellant’s brief on 4 of 6 references that show no connection between transit availability and car ownership, but disagreed that 2 of the references supported the point. Even if 2 of 6 do not support the city’s contention, the majority of the references still do.
- Clowers (2nd day) referenced Census Tract info that purports to buttress the contention that there is a relationship between auto ownership and transit availability, but the title (according to the City’s exhibit list, exhibit 54) is “vehicles available to households and renter to total households by Census Tract). There is no indication that the Census table is reporting the presence of vehicles as compared to the presence of transit.

In any case, the City is not denying that there will be some demand for vehicle parking in new buildings. This policy would have adverse impacts not only on the quality of life of surrounding areas, but also on the viability of businesses dependent on on-street parking, because the city does not require retail parking in most cases. Therefore, in proposing this policy, they are obligated to analyze its impacts.

The EIS does not, however, does not discuss how these impacts result from proposed policies. In fact, “how much off-street parking is provided by future development” is directly affected by policies on that result in regulations that directly lead to a deficit in parking supply.

Conclusion

The Appellant has shown that the EIS is deficient in the following respects:

1. The EIS does not present policy alternatives as required by WAC 197-11-442.
2. The EIS describes outcomes of some of the policy recommendations, but does not describe impacts.
3. Because no policy alternatives were presented in the EIS, the EIS fails to look at alternatives to policies that are in the Comprehensive Plan to determine whether some of these policies can achieve the goals of the plan at less environmental cost.

Because of these deficiencies, the Appellants request that the Hearing Examiner

1. Find the Draft and Final EIS inadequate to meet the standards of RCW 36.21C and WAC 197-11 in the specific areas enumerated above.
2. Enter into a supplemental scoping process to provide for public input into alternative Comprehensive Plan policies for consideration in the EIS, since the initial proposed policies were not developed until after preparation of the DEIS and the public, therefore, had no opportunity to address alternatives in accordance with WAC 197-11-408.
3. Direct the City to issue a Supplemental Draft EIS covering the sections identified as inadequate, provide for public comment in accordance with WAC 197-11-502 and prepare a Final EIS.