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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 Adequacy of FEIS Issued by the  
Director, Office of Planning and  
Community Development

Hearing Examiner File:  
W-17-006 through  
W-17-014  
  
SENIORS UNITED FOR NEIGHBORHOOD'S:  
  
RESPONSE TO CITY'S MOTION TO DISMISS  
  
CROSS MOTION FOR SUMMARY JUDGMENT

The Seniors United For Neighborhoods ("SUN") appellant in the above-captioned appeal (the "MHA EIS Appeal") submits this pleading which constitutes the following:

1. SUN's response to the City's Motion to Dismiss two issues asserted in SUN's Notice of Appeal W-17-011, page 2, lines 40-43, page 4 lines 15-16.
2. SUN's cross-motion for summary judgment requesting that the Hearing Examiner enter an order granting summary judgment in its favor on the bases that (a) the City failed to propose reasonable alternatives in the environmental impact statement as required by WAC 197-11-442(2), WAC 197-11-440(5)(b), WAC 197-11-440(5)(b), and RCW 43.21C.030(2)(c)(iii).

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**1) RELIEF REQUESTED**

SUN respectfully requests that the Hearing Examiner (1) deny the City’s Motion to Dismiss; (2) grant SUN’s cross motion for summary judgment as to the City’s failure to propose reasonable Alternatives in the MHA EIS to achieve its MHA Objectives.

**2) LEGAL ARGUMENT**

**The City Did Not Present Any Reasonable Action Alternatives**

**1. The EIS Stated Objectives.** The MHA EIS presents four objectives:

- Address the pressing need for housing affordable and available to a broad range of households.
- Increase overall production of housing to help meet current and projected high demand.
- Leverage development to create at least 6,200 net new rent- and income-restricted housing units serving households at 60 percent of the area median income (AMI) in the study area over a 20-year period.
- Distribute the benefits and burdens of growth equitably.

**2. WAC Requirements**

WAC 197-11-442(2) says that “The lead agency shall discuss impacts and alternatives in the level of detail appropriate to the scope of the nonproject proposal and to the level of planning for the proposal. *Alternatives should be emphasized.* In particular, agencies are encouraged to describe the proposal in terms of alternative means of accomplishing a stated objective. (Emphasis added)

WAC 197-11-440(5)(b) describes reasonable alternatives to include “actions that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation.”

1                   **3. EIS Alternatives Are Not True Alternatives**

2                   The “range” of EIS action alternatives was essentially one alternative: the MHA “upzone everything”  
3                   alternative. This MHA alternative required upzones of every parcel in the study area, which covered  
4                   neighborhoods throughout Seattle. This included an increase in heights for all parcels and for many  
5                   properties, an increase in zoning and then an increase in heights.

6                   This alternative provided additional development capacity through area-wide zoning changes,  
7                   expanding the boundaries of urban villages, area-wide zoning map changes, and increases in floor area  
8                   (FAR) as well as height.

9                   This one alternative did not provide a true alternative to the stated objective and alternatives were not  
10                  emphasized in the EIS—nor were one or more true alternatives used in the EIS.

11                   **4. The EIS Did Not Analyze Alternatives with a Lower Environmental Cost**

12                  The Director did not analyze any alternatives with a “a lower environmental cost or decreased level of  
13                  environmental degradation” as required by WAC 197-11440(5)(b). Since all three action alternatives  
14                  differed from each other by less than 1% in terms of the total number of units built in all of by Seattle  
15                  by 2035, in the study area in that time, and in the total number of affordable units, there was little  
16                  room to find a significant environmental difference.

17                   **5. Alternatives Were Ignored that Would Better Meet the Objectives at Lower  
18                   Environmental Costs**

19                  After the Draft MHA maps were released in October 20, 2016, numerous people contacted the City  
20                  with alternatives for their neighborhoods that would be less damaging regarding environmental factors  
21                  Three men (David Ward, Chris Leman, and Toby Thaler) met on a number of occasions with Geoff  
22                  Wentlandt (the person at OPCD in charge of the Draft and Final EISs and the Draft scoping)

1 specifically to address a range of EIS alternatives which were all designed to create more affordable  
2 housing, lessen displacement, and reduce environmental impacts.

3 One aspect of what was presented was the report *Solutions to Seattle's Housing Emergency*, a range of  
4 more than 50 recommendations put together by longterm affordable housing activists, religious  
5 leaders, and City Council aides and organized by Frank Chopp to create more affordable housing  
6 without upzones and displacement. (Exhibit A).

7 None of the above alternatives were used in the EIS, though many or all of them would have created  
8 fewer negative environmental and other impacts than what was presented in the DEIS and FEIS.

#### 9 **6. Insistence on Continued Limited Alternatives with Potential Future Relief**

10 The final question in the Hearing Examiner's appeal form is: What relief do you want? Part of SUN's  
11 response to that question was a request for the Hearing Examiner to require new EISs be performed in  
12 each Urban Village and the multi-family parcels around them. As part of those EISs, SUN requested  
13 that each EIS use a range of alternatives that will create substantially more affordable housing than the  
14 current proposals.

15 The Motion to Dismiss is attempting to restrict not only the range of alternatives for something that it  
16 has done already, but also is determined and insistent that potential future EISs in separate  
17 neighborhoods that might be required by the Hearing Examiner as relief also not contain a range of  
18 alternatives that would create more affordable housing, less displacement, and less environmental  
19 impacts.

20 This calls into question whether the Director's goal in the EIS is truly to create more affordable  
21 housing, with less environmental impact and reduced displacement or, when more effective  
22 alternatives are available, simply wants to defend an MHA FEIS which has only one alternative that  
23 will provide less of all of these, to the detriment of the public individually and the City collectively.

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DATED this 4th day of May, 2018.

Seniors United for Neighborhoods  
Represented by  
David Ward