



117 E. Louisa St. #1
Seattle, WA 98102-3278

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Sam Assefa, Director (c/o Geoffrey.Wentlandt@seattle.gov)
Office of Planning & Community Development
700 5th Ave, Suite 1900
PO Box 94788
Seattle, WA 98124-7088

SCOPING COMMENTS FOR THE HALA ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Assefa:

Following are the Eastlake Community Council's requests for the scope of the environmental impact statement that is required to assess the proposed "HALA" legislation.

Must reissue scoping notice listing the numerical increases and the specific zones. A highly problematic omission in the [July 28, 2016 scoping notice](#) is that no numerical specifics are provided regarding the greater heights and greater floor area that would or might be in the proposed zoning code amendments, and in which zones. All that is said is that these would involve "slightly higher or slightly more floor area in certain zones." The EIS will violate the State Environmental Policy Act in being essentially meaningless unless it examines one or more numerical levels of increase in height, building footprint, and floor area that are being proposed; and unless it specifies the zones and land where the changes would apply.

The City's scoping notice is vague and biased in stating that the proposal is for "slightly higher or slightly more floor area in certain zones". The scoping notice shields from the public that the HALA recommendations propose increases in height and floor area that would be substantial, far more than "slight." It fails to inform the public that the HALA recommendations include reductions in building setbacks (smaller yards). And it is not forthright that the affected zones would encompass a large area of the City with a large portion of the population.

We request that the scoping notice be re-issued in a form that specifies in numbers the actual proposed increases in building heights and floor areas, and any proposed increases in building footprints. It is essential for the public to know the numerical levels or ranges in these three categories that are at the heart of the HALA proposals. The State Environmental Policy Act requires this level of specificity.

We also request that the deadline for the scoping notice be extended for another ten days to Monday, Sept. 19. The current deadline of 5 p.m. Friday, Sept. 9 is biased toward those who make their livings by development, and disadvantages volunteers who need their weekends to write you. The City should facilitate, not discourage wide public comment.

Must disaggregate impacts among the urban villages/centers. The EIS must disaggregate impacts among the 37 urban villages/centers. Much as with the statistician who drowned in a pond with an average depth of six inches, the City is at risk of obscuring the environmental impacts by averaging them across Seattle. Only by disaggregating the impacts into each urban village and urban center will we see the true impact of, for example, the elimination of trees, or the net loss of housing units affordable to different income levels. Otherwise the EIS would miss that large trees could essentially disappear from private land in some of the urban villages or urban centers; or that some urban villages and urban centers could be left without housing units affordable to various income levels, adding to racial and economic imbalances.

Consider alternatives that do not increase allowable height, floor area, or building footprint. Outrageously, the July 28 scoping statement says the City is likely to consider only two action alternatives, both of which would incorporate an unspecified increase in allowable height and floor area. Such a narrow range of alternatives would utterly fail SEPA's standard to include a range of reasonable alternatives. It is essential for the EIS to consider true alternatives to the (as yet unspecified) ordinance proposal, and that are not just a part of or a variation on it.

One or more alternatives should reflect less demolition of existing affordable housing, with public regulation and investment instead focused on encouraging the renovation of existing structures rather than demolishing and replacing them. One such alternative would be to avoid increases in allowable building height, floor area, and footprint and thereby inherently would preserve more of the moderately affordable housing (affordable by those with income just under the median income). As currently proposed, HALA would sacrifice much of that moderately affordable housing to subsidize housing for those with the lowest incomes.

Other alternatives that should be considered are (1) to impose housing impact fees on new building projects, unrelated to an increase in height, floor area, or footprint; (2) to reimpose on-site parking requirements except for those projects that would provide, in the building or in the neighborhood, housing that would be affordable to those below the median income; (3) to impose rent control on some or all apartments; and (4) to preserve on a net basis most or all large trees on the zoned land.

Greenhouse gas emissions. The EIS must fully consider the net increases in carbon dioxide and other greenhouse gas pollutants from the ordinance's promotion of demolition, new buildings, large tree removals, and population density. It must estimate the energy expended in the increased demolition of existing buildings, the disposal of construction waste, and the new construction--all caused by allowing increased building height, floor area, and footprint. It must estimate the energy expended from regulatory alternatives that provide greater

incentives for expanding housing by re-using, renovating, and remodeling existing buildings, and other methods that act within the existing zoned height, floor area, and footprint. And it must estimate the increase in greenhouse gas emissions from increased motor vehicle travel, traffic congestion (decreased traffic movement), and the extra driving time required to find parking as on-street and in-building parking spaces are reduced and in greater demand.

Impervious surfaces. In each urban village and urban center, the EIS must fully consider the increased pollution from more runoff into streams, lakes, and Puget Sound caused by the increase in impervious surfaces that reduce natural absorption and filtering of precipitation because of increased lot coverage (from reduction of setback and yard requirements); and from increased combined sewer overflow events as in-sewer volumes increase and are more vulnerable to storm surges.

Loss of large trees and other habitat. In each urban village and urban center, the EIS must fully consider the impacts of the resulting new development's destruction of and failure to replace large trees. It must not regard small trees as a one-for-one replacement for large trees, because a small tree is worth only a tiny fraction of a large tree in habitat, shade, and amenity value. The EIS must consider regulatory alternatives that in each urban village and urban center would on a net basis preserve large trees on the zoned land. And the EIS must fully consider the impacts of the resulting new development's destruction of and failure to replace animal habitat such as native bird populations from the net loss of large trees and other vegetation needed for nests, refuge, and food.

Estimate the actual environmental impact of the "Green Factor." The EIS must objectively examine the claimed environmental benefits and durability of such 'Green Factor' features as green roofs, use of the planting strip for trees, and green walls. The foregoing are not proving to be adequate substitutes for the loss of large trees from zoned land. For example, the Seattle Department of Transportation does not allow native conifers like cedar and Douglas fir on most planting strips because in their early years the lower branches are seen as interfering with the adjacent street and sidewalk.

Loss of historic buildings. In addition to considering historic buildings that are formally protected, the EIS must consider the potential loss of housing that, while not specifically protected by landmark laws, is of historic value in each urban village and urban center.

Infrastructure needs. In each urban village and urban center, the EIS must fully consider the need that increased density will bring for increased infrastructure and the maintenance and repair of existing infrastructure in neighborhoods such as for water, sewer, electrical service, and roads and bridges.

Transit service. The EIS must fully consider the need for increased transit service in neighborhoods that will receive increased density. It must objectively consider to what extent "frequent transit service" is likely to be physically available in each urban village and urban center. Transit funding has historically waxed and waned, such that "frequent transit service"

has” not prevailed although land use permits presupposed it. Also, difficult pedestrian routes because of hills and blockages in the street grid make transit access less available in some urban villages and urban centers.

Consider several different levels of affordability in units lost or gained. In each urban village and urban center, the EIS must estimate the number of affordable units lost and gained at different price levels, and the number and incomes of the people displaced and accommodated, from increased construction promoted by the City’s proposed increase in height and floor area. SEPA housing mitigation policies (SMC 25.05.675) do not allow impacts such as housing losses to be ignored simply because they are compensated for by increases elsewhere. With HALA’s focus on creating units affordable to those with the lowest incomes, it appears that there will be a net loss in units affordable to those with moderately low incomes (such as just below the median income).

Locational impact of housing affordability. The City doesn’t call the HALA proposals “inclusionary zoning” because it is letting developers off from including affordable housing in their buildings by paying a housing fee for the City to buy some elsewhere. The EIS must closely examine in each urban village and urban center the degree to which builders will include in their projects housing of various affordable levels; and for those that do not, where the housing fees they pay will be spent. What proportion of the housing fees collected in a neighborhood like Eastlake with high and increasing property values will actually be spent to create affordable housing there, or will it serve largely as cash cow to subsidize housing in other neighborhoods? It seems likely that a very small proportion of the housing fees collected in a neighborhood will actually be spent there. Most subsidized housing projects depend on County and State funds that put a ceiling on the cost per housing unit, thus effectively barring the use of these subsidies in neighborhoods like Eastlake.

Conclusion. The process by which Seattle’s executive branch has promulgated and pushed through the HALA proposals has been among the most grievous examples in recent history of abuse of authority, transparency, and public involvement and engagement. As the same people who were involved in these abuses are now in charge of the environmental impact statement, hopes for better governance are scarcely warranted.

However, there is some hope in that the SEPA, a state law, governs this EIS. And that at growth at any cost is its own worst enemy. Growth will not be politically sustainable if the public faces unfair decision-making, and change whose pace is overwhelming and whose impact lacks the balance of livability.

Sincerely,



Chris Leman, President
info@eastlakeseattle.org