

Queen Anne Community Council
Land Use Review Committee
Planning Committee



June 14, 2018

Mayor Jenny Durkan, City of Seattle Mayor
Nick Welch, Senior Planner - Office of Planning and Development
Mike O'Brien, Seattle City Council
Bruce Harrell, President - Seattle City Council
Sally Bagshaw, Seattle City Council
Teresa Mosqueda, Seattle City Council
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Geoff Wentlandt, Senior Planner - Office of Planning and Development
Nathan Torgelson, Director - Seattle Department of Construction and Inspections
Andres Mantilla, Director - Department of Neighborhoods
Jesseca Brand, Department of Neighborhoods,
Goran Sparrman, Interim Director - Seattle Department of Transportation

Re: Letter of Comment Regarding ADU DEIS (issued May 10, 2018)

Dear Ali Pennucci and Ketil Freeman, Mayor Durkan, CM O'Brien, Nick Welch, et al:

Thank you in advance for this opportunity to present our comments upon the ADU DEIS. We appreciate the City completing this referenced DEIS in conformance with the Hearing Examiner's Decision (HE File Number: W-16-004) addressing our appeal of the DNS (Declaration of Non-Significance) concerning the unstudied advancement by CM O'Brien of what is now noted within this DEIS as Alternative 2. The Queen Anne Community Council along with thousands of citizens throughout every Seattle neighborhood came together to support challenging the City to study, per state law, the environmental impacts associated with up-zoning every single-family neighborhood city-wide. Please note that within our comments, we have quoted sections from within the DEIS that are highlighted in red.

1. Introduction to the Queen Anne Community Council Commentary:

The proposed re-zone of every single-family neighborhood and one-half the City of Seattle land area proposes to overturn the existing codes and has been titled "Removing Barriers to Backyard Cottages (DADU) and Accessory Dwelling Units (ADU)." The existing code was studied in 2005-2006 by the Seattle Planning Commission (SPC) that consulted with experts and professionals around the country and then identified potential significant impacts to single-family properties and neighborhoods throughout our city. Martin Kaplan was a member of the Seattle Planning Commission team that led this comprehensive effort to increase the opportunities for accommodating more density in single-family zoned areas of our city.

During the SPC review, they arrived at the current code that took into consideration many potential significant impacts to almost all single-family zoned properties. A trial period was conducted between 2006 and 2009 when the SPC helped advance the current code through legislation in 2010. This code has been in place since 2010 and has allowed any single-family property owner with a parcel greater than 4,000 sq ft to construct a backyard cottage. In addition, any single-family home can have an ADU within the house, but not both a DADU and ADU on the same property. As was proven within our successful appeal hearing, noted strongly within the Hearing Examiners Decision, and substantiated by City Planners and proposal authors Geoff Wentlandt and Nick Welsh, **the notion advanced by some that somehow the current code restricts homeowners from building one or the other today is simply false.** There are specific regulations within the code and those were founded upon strong evidence of potential impacts that remain current, and in many cases even much more of an impact today.

This current proposed legislation seeks to overturn every code restriction the SPC, City Council and Mayor, and experts felt were critical in respecting, protecting and preserving the rights of single-family neighborhoods and property owners while offering opportunities to increase density. In addition, the current code was drafted after comprehensively studying models from other cities and reviewing the history of outcomes, impacts, and resultant mitigations.

This DEIS fails to address and study the experiences, environmental impacts, mitigations and resultant outcomes considered by other cities including the 54 cities that the City Planners studied and cited in their exhibits in composing their original proposal advanced within in Alternative 2 and many as well in Alternative 3. In fact, the only city cited within the DEIS as a basis for several assumptions advanced within the DEIS is Portland, our southern neighbor that was found during our appeal hearing to be well shy of being a representative comparable due to many significant differentiations.

The Queen Anne Community Council appealed the SEPA DNS for many reasons, none having to do with delaying the legislation, restricting neighborhood growth and increasing density, or preventing more DADU's and ADU's from being built. Instead, our appeal was solely founded upon the legal process requiring City Hall to professionally and comprehensively study the potential environmental impacts associated with the following proposed changes, among others, to the current existing DADU and ADU codes.

- Ignore the differentiation and uniqueness of every Seattle neighborhood
- One-size-fits-all top-down policy change without adequate comprehensive public input
- Allow an ADU and DADU (backyard cottage) on the same lot
- Remove the off-street parking requirements
- Eliminate the owner-occupancy requirement
- Reduce the minimum lot size for ADU/DADU's
- Increase the maximum height limit for DADU's (backyard cottages)
- Increase the rear yard lot coverage limit
- Increase maximum gross square footage limits
- Add flexibility for location of entry to a DADU (backyard cottage)
- Increase heights of roof features that add interior space in DADU's
- Allow for projections from DADU's (backyard cottages)
- Increase opportunities for accessory structures in required yards
- Modify definition of "Residential use" to include more density

As a result of our successful appeal, the [Hearing Examiners Decision](#) (File Number: W-16-004) required the city to undertake a comprehensive environmental study of every one of these critical environmental impacts. The above referenced Draft Environmental Impact Statement (DEIS) has been completed pursuant to the hearing examiner's Decision.

We have reviewed the DEIS and find that the DEIS fails to adequately address the significant environmental impacts associated with the above referenced impacts included in Alternatives 1, 2, and 3. As it finds without exception that there is no even one environmental impact to mitigate within

the entire study, it fails to comprehensively and honestly analyze the impacts from rezoning of one-half the land area of the City of Seattle, up-zoning every single-family neighborhood into multi-family properties, and completely fails to recognize and address the unique qualities, limitations, and opportunities within most of our over 30 neighborhoods.

2. The DEIS fails to adequately study the true environmental impacts:

In discussing the adequacy of an DEIS, the courts have ruled that:

- a. The primary function of an environmental impact statement under NEPA is " 'to insure a fully informed and well-considered decision ... ' " *Strycker's Bay Neighborhood Council, Inc. v. Karlen*,
- b. In order to fulfill its role, the EIS must set forth sufficient information for the general public to make an informed evaluation, *see id.*; *Natural Resources Defense Council, Inc. v. Callaway*, ... and
- c. for the decisionmaker to "consider fully the environmental factors involved and to make a reasoned decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action." *County of Suffolk v. Secretary of Interior*,

As we considered the above minimum requirements expected from an adequate DEIS, we found the City's own statement within the DEIS on page 4-66 most noteworthy in substantiating our position for inadequacy.

"The form of existing development varies widely across single-family zones in Seattle; therefore, a comprehensive summary is not possible"

Throughout the DEIS, the City has ignored the outcry from every neighborhood, the Decision of the Hearing Examiner in our appeal, a majority of comments from the scoping exercise, and the requirements established by law that mandate a "comprehensive" analysis of all environmental impacts. In the snip above from their own DEIS, the city admits that such a lawful study is not possible, however we strongly disagree. It is only not possible if City Hall in fact follows a pre-determined ideology that considers the city and half its land area to be among many things - homogeneous, flat, treeless, carless, complete with sidewalks, rich with abundant reliable mass transit, complete with modern infrastructure throughout, platted similarly, and undifferentiated culturally, economically, socially and without neighborhoods of different age, uniqueness, size and character. The fact that the city continues to ignore the law by refusing to consider the unique qualities, issues and opportunities, and significant diversity of over 30 neighborhoods alone renders this DEIS inadequate.

We look forward within our comments below to focus upon the 'adequacy of the DEIS' as directed by state law. In so doing, we will consider many issues including those advanced within our appeal by our experts and City experts as well. Statements within an DEIS must be substantiated. We will also rely upon case law moving ahead this year and in evaluating the DEIS and FEIS adequacy such as:

"Finally, and perhaps most substantively, the requirement of a detailed statement helps insure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug. A conclusory statement unsupported by empirical or experimental data, scientific authorities, or explanatory information of any kind not only fails to crystallize issues, but affords no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives." *Seattle Audubon v. Moseley*,

3. **Parking and Transportation, an example of DEIS inadequacy:**
The DEIS in 4.4.3 Mitigation Measures, Page 4-146 notes:

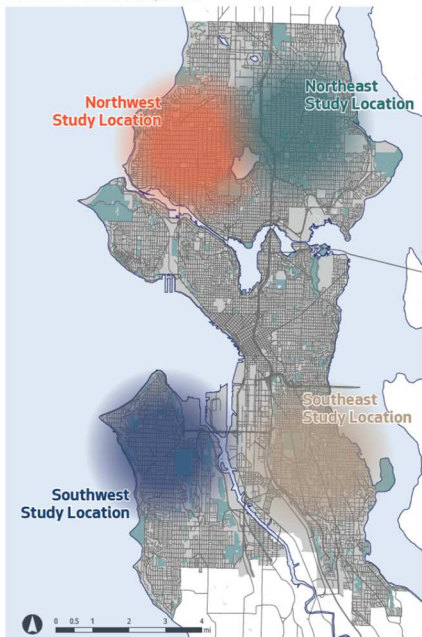
4.4 DEIS Introduction: *“This section considers the impacts of the proposed Land Use Code changes on parking and transportation. We evaluated the potential parking impacts associated with the proposed Land Use Code changes by considering the existing availability of on-street parking relative to the expected increase in demand for on-street parking under each alternative. ”*

4.4.3 Mitigation Measures *“The analysis in this section identifies minor adverse impacts that may occur on specific blocks within the study area where on-street parking demand exceeds supply, but it does not identify these as potential significant adverse impacts, meaning no mitigation measures are required”*

4.4.4 Significant Unavoidable Adverse Impacts

No significant unavoidable adverse impacts are anticipated from any of the alternatives considered in this EIS.

Exhibit B-1 Overview of Study Locations



As a metaphor and substantiation for our position of inadequacy of the DEIS, please consider Section 4.4 Parking and Transportation. Section 4.4.1 pp4-124

Parking Analysis Area

“To understand the affected environment related to parking, and to inform the analysis of potential impacts from the proposed changes to the Land Use Code, we selected four study locations that provide a representative sample of neighborhoods where ADUs could be constructed. (See Appendix B for more details on the study locations.)

We identified these four study locations by their general geographic location in the city: northeast, northwest, southeast, and southwest. The study locations represent a range of conditions found in single-family zones and include areas that vary by lot size; the presence of alleys, driveways, and sidewalks; and proximity to transit. (red emphasis added)

While the study locations are not near large retail areas, we measured parking utilization on Saturdays to confirm that weekday overnight parking demand was the peak. The data we used for each of these geographic study locations included the following:

Northeast and Northwest. *We collected weekend overnight parking data on a Saturday.*

Southeast. *We used parking data collected for a 2016 SDOT parking analysis that did not include weekend parking data (SDOT 2016).*

Southwest. *We used SDOT data collected in September 2017 (SDOT 2017b). ”*

Exhibit B-1 on page B-3 strongly supports our position that this DEIS is inadequate in comprehensively studying the environmental impacts. As the City admitted on DEIS page 4-66 (**“The form of existing development varies widely across single-family zones in Seattle; therefore, a comprehensive summary is not possible**), this exhibit clearly exposes the biased and inadequate approach by City Hall and lack of a lawful and comprehensive commitment to complete a proper and defensible DEIS. One immediately recognizes the clear effort to segregate neighborhoods in Seattle and study only those at the edges with much larger lots, much newer infrastructure, much wider streets, and more recently platted. In doing so, the City intentionally ignored one-half the single-family population and denser properties located more central to the inner-city that would obviously expose many more significant environmental impacts. This transparent biased approach is just one example among many others that condemn this DEIS to fail in its adequacy.

To return to our main criticism that this DEIS fails to recognize the uniqueness of each Seattle neighborhood and by doing so ignores the differentiations in each including among many; topography, access to reliable and accessible transit, property size, access to parking, street width and character, utility infrastructure, tree canopy and many others. Not doing so, and in fact cherry-picking particular data to support the City's proposals, renders the EIS inadequate, and more so transparently disrespectful to 300,000 Seattleites who reside in single-family neighborhoods.

The City's one-size-fits-all approach to up-zoning every single-family neighborhood neglects to consider the issues and opportunities inherent in each, but dissimilar among all. For instance, one should consider that in the Capitol Hill neighborhood, where property sizes like other early inner-city Seattle neighborhoods were platted over 100 years ago and are minimally sized as is the street grid, needs to consider adding density much differently than Blue Ridge, View Ridge, Morgan Junction, or Othello, that enjoy much newer platting, much larger lots and streets, and much newer infrastructure among other advantages.

An additional significant issue in many neighborhoods, left absent in the DEIS, involves "Park and Hide" impacts from those coming to work from outer areas and other cities and parking in neighborhoods close to transit service, avoiding downtown parking expenses. This has become a very serious impact upon many neighborhoods where competition to park near your home or apartment includes those seeking free parking and a bus pass. The DEIS has not identified even one concern or impact.

In addition, Appendix B relies heavily upon a Portland, Oregon model for comparisons. During our successful appeal, the Hearing Examiner, in ruling on our behalf and requiring the DEIS, recognized through expert testimony from our witnesses including Bill Reid, (Portland based real estate economist) and city witness John Shaw, (Seattle Senior Transportation Planner) that the cities of Portland and Seattle have significant differences. These differences are broad based and often do not relate as comparable. For example, Portland's topography, transit, and land use codes differ heavily from Seattle's, as do their demographics including lack of comparable large corporate headquarters, displacement pressures, population and transportation planning. See below snip from Hearing Examiners Decision page 13 of 14

14. The Appellant claims that OPCD's assessment of parking impacts is not supported by substantiated opinion and data. As noted, the proposal would remove the existing requirement for one off-street parking space for an accessory dwelling unit located outside an urban center or village. OPCD agrees that its consideration of parking impacts is largely based on its production estimate for ADUs and DADUs and on the existing distribution of ADUs and DADUs within the city.⁴⁷ There is no citation to any studies or other objective data as the basis for the conclusion that parking impacts would be minor. The parking analysis was not even reviewed by DCI's transportation planner.⁴⁸

15. OPCD points to a study conducted in Portland, which showed that just over one-third of ADUs had vehicles parked on the street.⁴⁹ This study was not cited in the Checklist or the DNS. Of more importance, though, is the fact that Portland allows only one accessory dwelling unit of just 800 square feet on a single-family lot, whereas the proposal would allow two larger units, which increases the likelihood of a larger number of people living on each lot.⁵⁰ In addition, there is nothing in the record showing the relative types and availability of transit in Portland and Seattle neighborhoods, which would likely affect car ownership among ADU and DADU residents. Overall, it does not appear that the determination on parking impacts was based on information sufficient to evaluate those impacts. Further, unrefuted testimony from the Appellant's witness, Thomas Marshall, although somewhat exaggerated, showed that the proposal presents a reasonable likelihood of more than a moderate impact on parking. Finally, a new parking impact analysis will be required in any event in light of Conclusions 9 and 10 above.

The parking impact study as required by the Hearing Examiner and completed within the DEIS fails to comprehensively and accurately review the true city-wide parking impacts, as it only reviewed 4 small areas within newer neighborhoods of the city on one night. A city-wide comprehensive neighborhood by neighborhood approach is necessary to evaluate specific environmental impacts. For instance, the DEIS does not analyze parking and circulation impacts of ADU development on sites and neighborhoods with narrow (yield) streets or differentiate between neighborhoods whatsoever.

4. Housing and Socioeconomics:

The DEIS in 4.1.3 Mitigation Measures, Page 4-36 notes:

4.1.3 Mitigation Measures *“Based on the results of this analysis, the proposed Land Use Code changes would have marginal benefits on housing affordability and would not increase displacement impacts. Therefore, no mitigation measures are proposed.”*

4.1.4 Significant Unavoidable Adverse Impacts *“Based on the results of this analysis, the proposed Land Use Code changes would have marginal benefits on housing affordability and would not increase displacement impacts. No significant unavoidable adverse impacts are anticipated to housing or socioeconomics from the proposed Land Use Code changes.”*

The DEIS discusses issues surrounding development economics, ADU production, housing affordability and displacement. However, this section of the DEIS fails to adequately consider many significant issues brought forth from our experts as well as the city experts during our appeal hearing and noted in the Hearing Examiner’s Decision. Therefore, the city’s conclusions above are false and unsubstantiated. Considering once again the Hearing Examiner’s Decision regarding what is noted in the DEIS as Alternative 2 and part of 3, Please review below her opinion as gleaned from expert testimony: *(HE File Number: W-16-004 Page 11/15)*

9. The testimony of Mr. Reid, Ms. Souvanny, and Mr. Lai showed that the proposal is likely to cause significant adverse impacts to housing, including existing lower income housing, and is likely to displace vulnerable populations. Maintaining that it did consider housing and displacement impacts, OPCD repeats the statistics and projections from the Checklist and DNS that are based on its experience with ADUs and DADUs under existing regulations. But the evidence shows that the proposed legislative changes would create a regulatory environment that is likely to generate entirely different impacts that OPCD has not considered, what Mr. Reid referred to as a “fundamental change to the land use form.”

10. OPCD characterizes the impacts discussed by Mr. Reed and Ms. Souvanny as purely economic in nature and thus, not required to be analyzed in a DNS. But they are not. SEPA requires analysis of both the direct and indirect impacts that would occur over the lifetime of the proposal. As with other zoning legislation, the direct impact of the proposed ordinance would be to alter the economic environment for development, in this case, development within single-family zones. However, the evidence here shows that the indirect impacts of the legislation would adversely affect housing and cause displacement of populations. These are significant adverse environmental impacts that must be studied in an EIS in the context of the development/economic environment that would be created by the proposal.

We will address a few obvious omissions and errors below:

- A. Housing affordability: The original “Removing Barriers to Backyard Cottages” legislation advanced by Councilmember O’Brien claimed that this policy was an ‘emergency’ response to helping solve the affordability crisis in Seattle. While the DEIS reviews some issues surrounding affordability, the suggestion that DADU’s and ADU’s would contribute to solving the affordability crisis in any way was debunked and proven false in our hearing by both our experts and the City’s experts as well. The City’s own experts Matt Hutchins, architect and Sam Lai, housing developer, admitted that the units would not be affordable due to expense and added as well that removing many of the barriers

proposed (Alternatives 2 and 3) would contribute to significant potential displacement. These facts are not discussed within this DEIS and contribute to its inadequacy. Please review below her opinion as gleaned from expert testimony: (*HE File Number: W-16-004 Page 11/15*)

7. The Appellant observes that the proposed ordinance has been actively promoted as a means to create affordable housing but that OPCD failed to analyze whether the ordinance could fulfill that objective. There is significant testimony in the record that the ordinance would not create affordable housing in most instances,⁴¹ but OPCD responds that the objective of the legislation is simply to encourage the production of ADUs and DADUs through revisions to Code requirements that restrict their production. Although it may be unsettling for the Appellant to see legislation promoted for a purpose that it is unlikely, and apparently not intended, to fulfill, that is a political issue, not a SEPA issue. As noted, the SEPA issue in this case is whether the record demonstrates that environmental factors were fully considered and the DNS was based on “information sufficient to evaluate the proposal’s environmental impact.”⁴²

The DEIS does not address or present mitigations concerning the fact that ADU’s are by definition not affordable. City witness Matt Hutchens, Architect who designs and builds ADU’s and DADU’s testified that these units are not affordable as construction costs can average \$250 -\$350 per sq ft to construct and would be rented for at least \$2,000-\$3,500 per month to cover development costs.

City of Seattle EIS Introduction by Ketil Freeman, City Council Central Staff:

“ADUs are a key component of meeting our pressing housing needs. By removing regulatory barriers to make it easier for property owners to build both attached and detached ADUs, we can increase the number and variety of housing choices in Seattle’s single-family zones.”

The notion presented by the City that the number of ADU’s and DADU’s are limited due to regulations has been found to be without merit. While some regulations do restrict their development in defense of environmental impacts, the overwhelming barrier to adding an ADU or DADU is cost. In many hearings, advocates seek to have the City and therefore the general public subsidize construction which they claim may allow them to afford to build. Why should the general public subsidize a property owners private investment? This effort and proposal has not been addressed in the DEIS.

Another very critical issue absent from the DEIS is the recognition that over 50% of these ADU’s and DADU’s are occupied not by Seattle renters, but by short term tourist and visitor stays through Airbnb, VRBO and others. The city’s own survey and witnesses testified that ADU’s and DADU’s provided rental housing, and housing choices for family members as well. But they also admitted that 50% were being used as portfolio investments as short-term nightly rentals. If properly studied, the DEIS would find that the City’s forecasted increased housing choices in Alternatives 2 and 3 would be actually 50% of what they present. This contradicts support for Alternates 2 and 3 in that while adding meagerly to the rental housing stock with neighborhood options, 50% are built for investments and do not increase rental opportunities for Seattleites or those moving here. There were no studies in the DEIS that addressed the actual numbers associated with developing these properties to their highest and best use not as rentals for Seattleites but for Airbnb, VRBO and other short-term rental websites.

There is no comprehensive analysis if any of the alternatives that would likely increase or decrease the supply of affordable housing. The DEIS should quantify and define the causes for “upward pressure,” “marginally more tear-downs” and “displacement pressure” under each alternative.

- B. The issues of displacement are not comprehensively studied within the DEIS. As noted above within the Hearing Examiners Decision, the opportunities for displacement are broad and include many unintended consequences proposed in Alternatives 2 and 3. For instance, the City’s own expert witness Sam Lai testified that by removing the owner occupancy requirement from the code, there

would most likely be a significant increase in destruction of affordable housing and displacement of communities that rely on those affordable homes, cultural displacement from neighborhoods that have enjoyed security for generations, and gentrification of vulnerable neighborhoods due to anticipated rampant speculation.

The ownership issue was completely overlooked and ignored as a potential environmental impact. The greatest concern among all citizens who provided commentary, testimony, and evidence in the last few years has been the elimination of the owner occupancy requirement – again rendering this DEIS inadequate.

Under Alternative 2 and 3, the anticipated increase in development opportunity will increase valuations throughout the city and each single-family property can be developed to a much higher use. The DEIS fails to address this significant impact to every property owner and renter as taxes increase and for many become impossible to afford. This serious consequence will force many from their homes as this new 'wealth creation' will benefit those with wealth and raise the bar even further for new buyers creating involuntary displacement. How can the DEIS fail to recognize and identify even one environmental impact associated with increased value and resultant significant impacts?

In addition, displacement pressures created by converting existing affordable homes was not adequately addressed. The DEIS suggests that "*the proposed Land Use Code changes would have marginal benefits on housing affordability and would not increase displacement impacts.*" However, during months of expert testimony by Bill Reid, Sue Souvanny, and city experts Sam Lai and Matt Hutchins claimed otherwise. While the DEIS is graphically replete with charts and language, it fails to prove their statement above as it fails to consider even one impact from Alternatives 2 and 3, not one!

- C. With respect to ADU production, the city's own projections within this DEIS offer considerable reason to take issue. The contention by City Hall, and suggested within this DEIS, is that in order to increase the production of ADU's, then regulations must be relaxed. Please be reminded that the current code was developed and supported by City Hall after an exhaustive study of country-wide ADU/DADU programs, their results and outcomes, and put into the code in 2010 city-wide after a 4-year trial period. At our appeal hearing, the City reported that just less than 300 DADU's were constructed from 2010 thru 2015 (6 years) or an average of 50 per year. They note that now the number is 600 or double the number in the last two years or an average of 150 per year.

As we proved during our appeal hearing, the barriers to increasing production of ADU's and DADU's were primarily focused around costs of construction, and the extra burden of an increased debt service, mortgage, taxes, maintenance and market rents that may not cover the costs. They are expensive to build and rent. The fact that production has increased three-fold in the last several years proves that production is not limited by regulation, only by costs. The regulations in place that this proposal seeks to overturn are directly focused upon the very environmental impacts that the SPC and planners addressed successfully in 2010. Therefore, the DEIS discussion regarding ADU production and limitation due to regulations that need overturning are both inadequate and void of a comprehensive review.

- D. Finally, the DEIS models highest and best use. However, the DEIS ignores the significant impacts associated with eliminating regulations like owner occupancy, reduced lot size allowances, eliminating on-site parking, and other code changes that encourage speculation. As noted above, the Hearing Examiner's Decision is clear, and as was the testimony from the city's experts, that elimination and relaxation of regulations would carry a host of unintended consequences and potentially significant impacts – many of which have been ignored in this DEIS. As the DEIS focuses us upon pages and charts evaluating home ownership and pressures to convert properties to their 'highest and best use,' it completely ignores the very real impacts that are created by proposed changes they do not include or consider.

The discussion concerning identifying which properties would be vulnerable to development, which would accommodate a triplex or other model, and who would convert their property presuppose that these decisions would be made by traditional property owners, instead of developers, speculators, and others who see the opportunities to convert single-family neighborhoods into multi-family – as did the City’s own witnesses during the appeal hearing. Therefore, as stated before, the lack of a comprehensive and committed neighborhood study renders this DEIS inadequate.

5. Land Use and Aesthetics

The DEIS in Land Use 4.2.3 Mitigation Measures, Page 4-57 notes:

Intro 4.2 Land Use: *This land use analysis reviews potential impacts on land use patterns and development in Seattle’s single-family residential zones.*

4.2.3 Mitigation Measures *“No significant adverse impacts are anticipated to land use; therefore, no mitigation measures are proposed.”*

4.2.4 Significant Unavoidable Adverse Impacts *“Under all three alternatives, Seattle would continue to experience population growth that would increase housing development in neighborhoods throughout the city. Single-family zones would continue to see some existing structures renovated, enlarged, and demolished as new construction occurred to accommodate new households and respond to changing economic conditions. This is an outcome we expect in a dynamic, growing city. Some localized land use conflicts and compatibility issues in single-family zones could arise under any alternative as growth occurs. However, no significant unavoidable adverse impacts on land use are anticipated as a result of the proposed Land Use Code changes.”*

The DEIS in Land Use 4.3.3 Mitigation Measures, Page 4-120 notes:

Intro 4.3 Aesthetics: *This section analyzes the scale and form of existing development in single-family zones in Seattle. We identify the potential aesthetic impacts to height, bulk, and scale that could occur under each alternative for the proposed action*

4.3.3 Mitigation Measures *No significant adverse impacts on land use are anticipated; therefore, no mitigation measures are proposed.*

4.3.4 Significant Unavoidable Adverse Impacts *Under all alternatives, increased development on lots in single-family zones would occur in the study area, leading to a general increase in building heights and development intensity over time. This transition is an unavoidable and expected characteristic of urban populations and employment growth. Alternatives 2 and 3 would further this trend by creating additional development capacity and incentives that could accelerate the development of taller, more intense ADUs in the study area.*

The City has supported the existing code since 2010 that was developed after significant study country-wide of potential environment impacts that could affect individual properties and neighborhoods throughout the city. Many of the existing regulations have been in place as a reliable barrier to diminishing one’s expectations and enjoyment of livability, property values, and neighborhood character and to date 600 DADU’s and thousands of ADU’s have been built under current codes and responsible protections. The position that eliminating these protections and opening up every neighborhood to multi-family speculation would have no impact is absurd and lacks adequate professional study, any documented unbiased proof and a responsible and comprehensive study within the DEIS.

There has been no analysis of the impacts of “scattershot” population density increases under ADU development, versus strategic development in urban centers and villages which focus development proximate to alternative transportation and social services investments.

Under full build-out, there is no analysis of public safety and security and social equity issues of population densities oriented to alleys and backyards, rather than to street sidewalks (“eyes on the street” security issues and social integration and community cohesion). There has been no analysis of

fire and life safety issues with regard to fire protection from alleys, which currently the Seattle Fire Department prohibits.

And what are the shade and shadow impacts under full build-out for each alternative?

It is inconceivable to us that the DEIS cannot identify even one adverse impact. Just compare the City's exhibits of existing conditions vs potential future outcomes. The obvious differences in the first and last rendering can be defined as "adverse impacts." The fact that this DEIS does not recognize the differences and address potential strategies for mitigation render this DEIS both inadequate and transparently absent of any objectivity.

Exhibit 4.3-4 Visual Representation of Existing Conditions in a Single-Family Zone



Exhibit 4.3-9 Visual Representation of Development Outcomes in Alternative 1 (No Action) in the 10-Year Scenario



Exhibit 4.3-19 Visual Representation of Development Outcomes in Alternative 2 in the Full Build-Out Scenario*



Among the many differences that are obvious and avoided in the discussion of impacts within this section are the significantly low number of cars parked, the height, scale and bulk of the buildings, the lack of backyards and privacy, and elimination of most of the tree canopy, and of course the 'heat island effect' which contributes to the increase in ambient temperature of the environment.

Additionally, the DEIS suggests that there will be no adverse impacts because maximum lot coverage calculations will not change and therefore no additional building area can occur. This is false on several levels:

- A. The proposal calls for the reduction in allowable lot size from 4,000 sq ft down to 3,200 sq ft. The current code calls for a maximum lot coverage to be no greater than 35% on any lot above 5,000 sq ft. However, a 3,200 sq ft lot enjoys an exception and allows a lot coverage of 46.25% or 11.25% greater lot coverage than a typical single-family lot.
- B. The proposal also changes a current regulation in place to preserve back yards, trees, open space and privacy. The current code limits lot coverage in rear yards to 40%. The proposal changes that to 60% which equates to a significant increase in building opportunities and diminishment of the rights of neighbors protected in the current code.

The DEIS is silent as to how these changes in lot coverage, among many other issues, have absolutely *"No significant adverse impacts are anticipated to land use; therefore, no mitigation measures are proposed."* (The DEIS in 4.3.3 Mitigation Measures, Page 4-120 notes)

6. Public Services and Utilities

The DEIS in 4.5.3 Mitigation Measures, Page 4-159 notes

Intro: "This section analyzes the potential impacts to public services and utilities from the Land Use Code changes under each alternative of the proposed action"

4.5.3 Mitigation Measures "No significant adverse impacts are anticipated to public services and utilities; therefore, no mitigation measures are proposed."

4.5.4 Significant Unavoidable Adverse Impacts "No significant unavoidable adverse impacts are anticipated to public services and utilities from any of the alternatives considered in this EIS."

During our appeal hearing, the City admitted that they had not even called Seattle Public Utilities to confirm that single-family neighborhoods could accommodate a doubling or tripling of households. While this was shocking then, this section of the DEIS basically appears to defend that decision by holding that any impacts upon utilities, schools, and other infrastructure has already been considered within the Comprehensive Plan, and therefore no further or much deeper study is necessary.

As kids are being schooled in portables, some water service piping in older neighborhoods remain in wood piping, and many other infrastructure components remain unattended, it remains worrisome that this DEIS fails to address even one issue of potential impact. This section reasons that it will be easy to accommodate an additional 350 households per year as they will be evenly spread out throughout the city. However, the DEIS provides no basis for that assumption. As has been questioned above, and comes up in the DEIS as well, there may be a considerable focus first upon specific neighborhoods to increased density because of multiple reasons. Why not identify impacts and focus an increase in services and utilities there? Why not study each neighborhood and determine the specific opportunities, issues, limitations and other conditions that would inform a complete and adequate comprehensive and transparent environmental impact study?

Again, as noted throughout this DEIS, and the foundation by which we challenge its adequacy, the City has failed to consider that Seattle is a collection of neighborhoods, each with their particular character, infrastructure challenges, and therefore should not be considered just one part of some homogeneous barren landscape reviewed from 10,000' feet up!

7. In Summary

While the Queen Anne Community Council very much appreciates the City's commitment to follow the Hearing Examiner's Decision and complete comprehensive DEIS on the proposals to remove barriers to building ADU's and DADU's, we regrettably find the DEIS woefully shy of adequately studying and identifying the true and transparent environmental impacts of the proposed Alternatives and code changes. We respectfully advance our opinion, and that of thousands of others, that such a comprehensive land use change, especially within such a dynamic and diverse city such as ours, deserves a thorough and accountable environmental impact study that recognizes the unique character, limits, issues and opportunities on an individual basis rather than one-size-fits-all view from 10,000'.

For instance, please consider how different this DEIS would look to Seattleites if there was a conclusion that due to predominantly small lot sizes, narrow streets and existing very high density, Capitol Hill or Queen Anne were reviewed through a different lens than the large lots, wide streets, and relatively much lower density in View Ridge, Blue Ridge, Morgan Junction, or Othello; upon which this DEIS selectively only focused the study of transportation and parking. This is a missed opportunity and not doing so renders this DEIS inadequate, questions its authenticity, and casts unfortunate mistrust.

For the City to conclude that within the scores of changes and proven consequences considered as potential impacts in up-zoning every single-family neighborhood - that **not even one potential impact could be identified** - reveals that City Hall has taken a blind eye towards the lawful execution of responsibly and adequately studying all the impacts, unintended and intended consequences, and identifying even one potential necessary mitigation among over 30 neighborhoods impacting over 300,000 Seattleites.

Moving forward, we hope that you take the time to consider the flawed methodology contained within the DEIS as you mistakenly consider our great city as one homogeneous barren landscape instead of the real collection of unique and special neighborhoods that compose an interwoven tapestry of diverse interests, issues, and opportunities all deserving distinct and critical analysis, consultation and respect.

Revisiting an earlier quote,

for the decisionmaker to "consider fully the environmental factors involved and to make a reasoned decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action." *County of Suffolk v. Secretary of Interior*,

In order to respect the definition of an adequate DEIS, especially concerning re-zoning one-half the land area of Seattle and including over 30 very distinct neighborhoods, the study must consider the requirement to complete a comprehensive review of every Seattle single-family neighborhood and identify the unique character, limiting issues and new opportunities within each that will inform the degree to which increased density through ADU development can and should occur.

Queen Anne, along with most of our other neighborhoods throughout the city, is not against increased density, and our growing population. In fact, we have consistently invited and accepted much more growth than has been assigned to us over three decades from PSRC and our Comprehensive Plan. However, we feel that such change should only accompany serious and accountable strategic planning, and a complete and comprehensive analysis of every neighborhood in our city as distinct opportunities together with distinct limitations. This DEIS fails to acknowledge even one difference between neighborhoods and therefore fails to represent a fair, unbiased, and professional study of environmental impacts.

Together with our city-wide neighbors, we can see opportunities to improve the current code, perhaps change some regulations, and encourage more density in many of our single-family neighborhoods. But doing so requires a nuanced, complete, and truthful study and comparison of each neighborhood in order to clearly understand and define specific and unique opportunities. For instance, at a minimum,

we strongly suggest that you consider, among many others, the following and differentiate each between neighborhoods:

- A. Consider the age of the infrastructure, utilities, and the actual capacities necessary for increased densities.
- B. Consider the existing open space, tree canopy, available parks, and likelihood of diminished livability.
- C. Consider the average lot size, age of the plat, and the ability for the neighborhood to absorb greater lot coverage and associated parking and circulation impacts of each alternative.
- D. Consider the lot size and location in determining the impacts associated with allowing 12 unrelated people to reside on one property. Prove that there are no differential impacts between doing so on a 10,000 sq ft lot vs. a 3,200 sq ft lot.
- E. Consider the significant impacts from rising property values as properties get up-zoned and create a climate of displacement.
- F. Consider the socioeconomic differences between neighborhoods and identify those most vulnerable to conversion, speculation, gentrification and displacement.
- G. Consider the differentiation in topography and infrastructure investment and analyze the specific issues surrounding each.
- H. Consider the challenges throughout the city to provide reliable transit service everywhere and identify the inequity of opportunity and existing infrastructure between neighborhoods.

One size does not fit all!

Thanks for your immediate attention,
Respectfully submitted:

Queen Anne Community Council, Land Use Review Committee
Martin Henry Kaplan, AIA, Chair

Queen Anne Community Council
Ellen Monrad, Chair