

# Livable Phinney

September 28, 2017

Nathan Torgeleson  
Director, SDCI  
700 5<sup>th</sup> Avenue, Suite 1900 – POB 34019  
Seattle, WA 98124

Re: Comment on Parking Code Changes. Changes to Frequent Transit Definition, and SEPA DNS on Land Use Code Text Amendments Related to Neighborhood Parking Reforms

Dear Mr. Torgelson,

We received your September 14, 2017 email reply to our letter of August 7<sup>th</sup> concerning the Hearing Examiner ruling in the Livable Phinney appeal, overturning the city's decision and remanding the issue of compliance with the definition of frequent transit service. Your response did not address the concerns raised in our letter, however, it did request our feedback on parking issues. Please consider this a partial response to the proposed parking code change and related SEPA analysis.

## **New Definition of FTS Ignores Hearing Examiner Decision.**

We have reviewed the Director's Report and SEPA Threshold Determination. Since the Hearing Examiner directed SDCI to consider the **actual performance** of transit routes with the Frequent Transit designation, versus the printed schedule, we conclude that the city's workaround as proposed is inadequate. In addition, the proposed Director's Rule is confusing and created needless complexity.

There is no explanation or basis to conclude that an 18-minute headway should be considered *frequent transit*. This generous headway would not be acceptable in most cities with real frequent transit and does not even conform to King County Metro Transit's published definition of frequent transit which remains "15 minutes or more frequent."<sup>1</sup>

Livable Phinney again did a statistical analysis of the data used in the appeal on the Route 5 bus that was the basis for the Hearing Examiner's ruling. Project 3020114. Using the proposed 18-minute headway definition, we found that the #5 bus failed to meet that criteria 18.8 percent of the time. SDCI is merely trying to define away the fundamental problem that many bus routes are simply too irregular to satisfy any realistic definition of frequent transit. Such irregularity is not consistent with the city's stated underlying goal of convincing people to give up their cars and rely on transit. The city is ignoring the fundamental difference between what is scheduled and what is real.

Furthermore, despite arguments in the Director's Report that the SDCI's new convoluted definition of Frequent Transit is consistent with King County Metro, it actually falls short. Metro's service definitions are more nuanced and include other critical factors such as passenger crowding, schedule reliability, and social equity.

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<sup>1</sup> King County Metro 2016 System Evaluation Annual Service Guidelines Report, p 11 Figure 4 Summary of Typical Service Levels definition of Frequent Transit.

SDCI is proposing to map areas that meet the new definition of frequent transit every 2 years. This is inadequate and not consistent with Metro practices. Metro updates their bus schedules at least twice a year and produces its analysis of transit system performance annually. Metro is constantly reviewing transit performance and certainly more often than once every two years. If the city is going to rely on Metro's performance for Seattle land use regulations, the compliance with frequent transit service, for the purpose of determining on-site parking requirements, must be actually parallel to Metro own practices. One simple solution is to adopt Metro's annual service guidelines document. If a transit route is identified in that report as needing additional hours to meet any of Metro's performance metrics, then Applicants for Master Use Permits cannot rely on that route to meet FTS standards. Simple and logical.

This solution was not identified as an alternative in the SEPA analysis and should have been.

### **Transit Occupancy Levels**

The SEPA analysis does acknowledge the problem of overcrowded buses, skipped stops, and the negative effect this has on transit reliability i.e., headways. It concludes that Metro should add more service. Ironically the way that the City can purchase more service is via car tab taxes! Seattle does not control how Metro schedules service so should not have SEPA policies that rely on the future actions of a County agency. Beyond that major flaw, the city's selective assessment of bus crowding is suspect. The charts in Figure 1 all use data from the Summer of 2016. Why was the lowest demand period of the year used for this calculation of bus crowding conditions?

The report suggests, without providing any data, that "on average there is a degree of capacity latent in the system even in peak periods." We have looked at this "latent" capacity for the Route 5 bus and it only exists in the earliest hours of the peak period, i.e. 5 am to 6 am. If a bus rider expects to catch a bus at 8 am to arrive at work on time, they are not likely to decide to catch a bus 2 or 3 hours earlier.

The analysis also fails to acknowledge that crowded buses tend to skip stops well downstream of urban villages. This unfairly transfer the environmental impact of the overburdened buses to riders in neighborhoods beyond the source of the impact generator. This inequity is not addressed in the SEPA analysis.

The bus capacity discussion concluded with this avoid-the-obvious clunker: "Accordingly to the extent future growth through development in frequent-transit-proximate areas leads to increased transit ridership, it probably would contribute incrementally to high demand upon buses during peak commute periods."

What is the purpose of the proposed expansion of the FTS mapped areas if NOT to increase transit ridership! That's the whole basis on which the policy precariously balances. Even so, the analysis provides not a scintilla of data on the expected increase in ridership based on development capacity in the new, let alone, existing mapped FTS areas. This is irresponsible. The impact of this will be felt by residents in many areas of the city in the form of late, over-crowded buses and parking spillover effects. But the author instead assigns this "probable adverse transportation impact" to "the bus system" not to the people impacted.

### **No Proven Nexus Between Transit Proximity and Car Ownership.**

Neither the Director's Report nor the SEPA analysis offer any current, Seattle-based statistics to support the wishful thinking that proximity to "frequent transit" has a significant (if any) impact on car ownership. This is a major flaw. Relying on very limited data collection nearly 6 years ago (the 2012 Right Size Parking Study) does not present a true picture today. The Director's Report footnote on page 13 does not provide any foundation to evaluate the usefulness of the statistics cited concerning alleged underutilization of on-site parking. For example, what percent of total multifamily buildings does the sample of 95 buildings represent? Was the

referenced survey conducted over a single night? What night was that? What time of year? On what basis does SDCI conclude that a single study done in Pike Pine or the Capitol Hill EcoDistrict represent conditions in other urban villages citywide? SDCI also acknowledges that the 2012 study did not account for the “on street” parking, i.e. residents absorbing on street parking to avoid parking in their own buildings or for lack of space in their own buildings.

### **Seattle Data Missing from Analysis**

Neither the SEPA analysis nor the Director’s Report provide any recent data correlating auto ownership with the many multifamily projects constructed in the past five years that have provided zero on-site parking or reduced parking spaces. This is a critical flaw since it is clearly the city’s intent to encourage more zero-parking buildings by liberalizing the definition of frequent transit service in order to apply the zero parking requirements to more areas in urban villages and a 50% reduction in parking minimums in many more areas outside urban villages. The analysis cites only two examples (from 2013 and 2014) to conclude that “parking demand may range as low as 0.3 -0.35 spaces per dwelling unit in smaller size housing in areas well served by transit.” This is not a sufficient sample on which to base a SEPA assessment while it also admits that even these micro and SEDU type developments do create parking demand. If that demand cannot be met in the surrounding area, it must be met on-site. That should be the policy.

The SEPA analysis is flawed in the typical manner in which SDCI concludes that “text amendments” are environmentally harmless. The analysis leaps over the obvious existing impacts of parking policies tied to frequent transit and applies a fuzzy lens to view only the imagined delta between today’s “zero impact” and tomorrow’s impacts. Only in this way can the difference be viewed as non-significant. The SEPA analysis presents tortured bureaucratic language to ignore reality. Our streets are full of parked cars now in “frequent transit” areas, because new developments are not providing sufficient parking to meet their demand. Even if 87% of future dwelling units will occur in buildings with some parking (as stated in the SEPA Analysis) there is no evidence provided that the “average of .073 spaces per unit” actually reduces car ownership by renters (presently or in the future) or reduces the spillover parking effects that are still considered an environmental impact.

The flawed reasoning in the SEPA analysis is particularly troublesome when addressing cumulative impacts (by ignoring them). The so called worst case scenario presented, where “multiple future developments occur in a local area newly eligible to be built with no parking,” is based on a study in Portland, (not Seattle!) with no citation provided. Based on this study, the author concludes that there would only be between 6 and 12 *additional* housing units in these buildings. So a new development that provides zero on-site parking is assumed to only generate impacts from between 6 and 12 of the total number of units built. The total development capacity for this silly scenario is not presented so the actual impact of potentially dozens or hundreds of new residential units is ignored. The obvious problems of this kind of reasoning can be seen in the case of Phinney Flats where the total number of units is 57 with zero on-site parking. Therefore, the impact is felt by the 57 units, not 6 or 12. There was no previous residential parking demand at this site but there was commercial parking provided. Therefore, the different is the impact of parking demand from 57 additional units and versus the demand from the previous uses, which were much less and partially met with on-site parking. The SEPA analysis ignores this scenario, which will be replicated in neighborhood commercial districts citywide.

### **Restore SEPA Mitigation Authority**

The problem stems from the overly broad 2010 amendment to SEPA to disallow any mitigation for situations as described above and the present proposal does nothing to address this problem. **SEPA mitigation authority for parking impacts should be restored for all developments in frequent transit service areas.** The analysis claims that it is the city's policy to "accept a high degree of parking congestion in frequent transit served areas" but to what degree? This has not been debated or quantified. However, there is an accepted standard used by SDCI (and its predecessor agencies) and formally recognized in Hearing Examiner rulings, that when streets experience 75% to 85% parking utilization, mitigation is needed or, at least, should be considered.

### **The 85% Rule Should be Trigger for Mitigation**

There is a Comprehensive Plan amendment now docketed addressing this very issue which should be considered in tandem with deliberation on these parking code changes. The spillover parking from residents in buildings with no on-site parking or inadequate on-site parking is occurring both inside and outside Urban Village FTS areas. The policy about accepting a high degree of parking congestion is understood to mean within Urban Village, not outside of them.

Beyond the boundary question is the larger questions of safety and livability. In testimony at the recent Livable Phinney appeal of the Phinney Flats permit, it became clear that the SDCI staff was essentially making up the rules on the fly with respect to how much "parking congestion" was acceptable. The City's parking study expert admitted that parking above 85% utilization results in illegal parking and unsafe conditions for emergency vehicles and general traffic. The conclusion can only be that SDCI believes that it is city policy to allow illegal and unsafe parking; that decision needs scrutiny by elected officials after public hearings.

### **Proposal to Allow Less Parking with a Professional Study Needs Refinement**

This proposal to allow further reduction in minimum parking requirements must be accompanied by specific rules and guidance on how to conduct a parking demand and utilization study and what the acceptable levels of parking utilization should be. The methodology for determining a development's parking demand must be standardized. The underlying hypothesis of the proposal is that there will always be a supply of on-street parking to absorb the demand not met by the development. There should be a corollary to this policy – that if the area surrounding a development has exceeded parking utilization of 85%, then the parking demand must be met on site for that building. If that building is in a RPZ or Urban Village FTS mapped area, then RPZ parking permits should not be issued to that building's residents and landlords should institute a car-free lease policy unless they provide sufficient on-site parking.

### **Unbundling Parking Can Increase the Cost of Housing**

Mandatory unbundling of parking is offered as a way to reduce housing costs but it will increase costs for many households. This potential impact was not identified in the SEPA analysis. When a landlord or property manager has the opportunity to charge high market rates for parking stalls, they will do it. This will create bidding wars for parking spaces and leave lower income households competing with higher income households for needed space. This could result in a higher income household storing their 2<sup>nd</sup> or 3<sup>rd</sup> car in a space that had been previously used by a tenant who likely needs a safe parking space for any number of reasons including commuting to work anywhere beyond downtown Seattle, getting children to affordable daycare, medical appointments and other trips where transit does not work.

### **Allowing Share Cars in Setbacks**

Setback are inadequate as is and allowing them to be used as surface parking lots is contrary to good urban planning including Seattle's design guidelines. Setback are for trees, privacy landscaping and building maintenance. Not parking. At a minimum disallow this use in any setback abutting a single-family zone.

### **Quarter Mile Off-site Parking**

Imagine that your car is parked ¼ mile away from your apartment and the security alarm goes off in the night. You will not hear it, but the people nearby will and will not be too happy about that. Also why are we relying on a study from Virginia to determine what is a reasonable walking distance to safely park a car or walk to the bus? Does SDOT and SDCI not have any locally relevant studies to support these hypotheses? Is a ¼ mile up a steep dark hill the same as ¼ mile on flat well illuminated terrain? These differences matter and should be explained in the SEPA analysis.

### **Parking and Emergency Preparedness**

The proposed parking regulatory changes all hinge on one concept, that Seattle will be able to outgrow cars. This is not a realistic basis for regulatory changes as was pointed out in a recent Seattle Times Traffic Lab story reporting that even if the rate of ownership is not growing as fast as before, the total number of cars in Seattle is increasing every year. We do not have a pattern of transit oriented development and it is impossible to superimpose it now. Transit use for commuting to the central city is convenient from some neighborhoods and heavily used, but transit simply does not work for many trips. Many people use transit and still own a car. This is especially true for Seattle residents' many recreation trips outside the city.

Using parking supply as the blunt instrument to control auto ownership will not work. As Kent Kammerer (RIP) used to say, a parked car is not polluting. We need to acknowledge that at this stage of Seattle's physical development, we must build storage for cars. The amount of storage should be dictated by actual experience, not idealistic assumptions about the future. That storage could take the form of the centralized public garages but in most cases, should be underground at the site of new developments. The financial expectations of developers and their investors should not dictate this policy. Also as unit sizes shrink, the need for a space to store emergency supplies grows. The earthquakes in Mexico are a scary reminder of the need to store extra water, food, and basic supplies. Even if some underground space is not used for cars or kayaks, (now or in the future) - it can be put to good use for emergency preparedness. This should be a city policy.

Sincerely



Irene Wall, Jan Weldin, Michael Richards  
Livable Phinney Directors

[LivablePhinney@gmail.com](mailto:LivablePhinney@gmail.com)

C:

Gordon Clowers, SDCI

Mayor Tim Burgess

Members of the Seattle City Council

City Council Central Staff: Ketil Freeman, Lish Whitson