Attachment 4

January 2, 2024

Comments on SEPA checklist submitted by Karen Messmer

Project Name: Drive-Throughs in Mixed Use Developments Along Downtown Entry Corridors (via portions of Plum Street) Requested Code Amendment

File Number: 23-5866

Proposal: Proposed revisions to OMC Chapter 18.06 – Commercial Districts, to allow drive-through businesses in mixed-use multifamily developments with ground floor commercial space.

This SEPA checklist fails to address the negative impacts on walking and cycling safety presented by drive through businesses. While this is a non-project proposal, the distinct impact will be that drive through businesses would be allowed in this area. This SEPA should analyze the change in the type of development that could occur once the regulation is adopted and different types of projects would be allowed in this area.

Simply stating that there is no impact created by the regulation change is denying that anything will change for future development. By the time a new project specific proposal is presented, the impact of the regulation change has already happened and the drive through business impacts will simply be a foregone conclusion.

Drive through business, by their explicit nature, attract and induce additional motor vehicle traffic. That traffic will cross sidewalks and bike lanes and therefore present additional risk for people who are cycling and walking. Inevitably, the line-ups for these businesses will, at times, spill onto the surrounding street. This will result in complete blockage of a sidewalk, bike lane or both, increasing the risks even further for a collision.

The agency responses appear to want to 'have it both ways' by denying any impacts but also 'explaining' that there are positive impacts. This attempt at 'balancing' is inappropriate for a SEPA checklist. All of the impacts should be addressed and especially negative ones.

Our Comprehensive Plan Land Use and Transportation chapters are full of goals and policies aiming for the city to be a cycling and walking community. Our climate goals aim to reduce motor vehicle trips and emissions. How ironic that the unsubstantiated claim of 'feasibility' for new housing would bring us to reduce safety for those who walk and cycle.

I have copied some of the questions and applicant and staff response, followed by my comments.

Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Does Not Apply. No specific project proposed.

Agency Response: The proposed non-project action does not include any construction or development that would directly produce emissions. Potential impacts of future, specific development proposals will be addressed through regulations in place at the time of permit review and/or project-specific environmental review as appropriate

Although this is a non-project proposal, it is inevitable that any additional drive through businesses will result in additional emissions resulting from the cars that will idle while waiting in line to order and then receive their purchases. Where there is no drive up window, drivers typically park and the car is not idling.

b. Noise

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Noise levels would remain the same.

Agency Response: This is a non-project action which will not result in any increase of noise. However, information about potential increases of noise will be provided at the time of permit applications.

The potential for increased noise levels, specifically at the residential buildings that would be developed with the drive through businesses, is an impact that should be acknowledged. Because this regulation change only allows drive through businesses along with residential development, it is known that those residents will be impacted with increased noise due to the traffic at the drive through business and idling in the line-up for the business.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Does Not Apply. Would make future housing more feasible.

Agency Response: This is a non-project action that will not result in the immediate provision of any housing units. Any proposed development or redevelopment with drive-throughs as amended would be required to provide residential units as part of the land use and/or building application.

If the non-project proposal answers are all that 'no specific project proposed' and 'the impacts will be addressed later' – then the applicant should not state as a fact here that the changes 'will make housing more feasible'. This is an opinion expressed by the applicant.

f. How many vehicular trips per day would be generated by the completed project or proposal?

If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

Does Not Apply. No specific project proposed.

Agency Response: This is a non-project action which will not generate traffic. Specific information regarding vehicular trips associated with a particular project will be provided at the time of permit application.

The regulation change will result in an inevitable increase in traffic which will directly impact the walking safety in this area for any existing workers or future residents. This is not addressed. Any increase in turning movements across a sidewalk increases the potential for collisions. A collision that

strikes a person who is walking or cycling is certainly more dangerous for the vulnerable user than for the automobile occupant.

h. Proposed measures to reduce or control transportation impacts, if any:

Does Not Apply. No specific project proposed.

Agency Response: This is a non-project action; however, potential impacts of future, specific development proposals will be addressed through regulations in place at the time of permit application and/or project-specific environmental review. This may result in the requirement to construct a sidewalk, full frontage improvements, or off-site improvements, depending on the scope of the project.

Construction of a sidewalk or full frontage improvements will not mitigate the increased motor vehicle traffic crossing the sidewalk. Off-site improvements will not mitigate the increased traffic hazards created for people who are cycling or walking. Stating this in the SEPA checklist appears to pre-determine the impacts of the specific projects that are not be addressed in this checklist.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Does Not Apply. No specific project proposed.

Agency Response: The non-project proposal would result in no direct impacts and is unlikely to result in indirect or cumulative negative impacts related to emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. The amendment may increase vehicle trips at properties that implement new drive-throughs; however, new drive-throughs will also be required to provide new residential units and will increase urban density land use. The addition of residential units in an otherwise commercial/office oriented area may increase in "active" forms of transportation, such as walking, bicycling, and use of public transit.

First, the agency declares that there is no direct impact then goes on to say it is unlikely to results in negative impacts. However, then the agency continues by indicating that indeed, this change could result in increased vehicle trips due to the drive though nature of the potential businesses. The tone of this response is to explain or 'balance' the impacts by indicating that additional residential units will be provided. This does not mitigate the increased emissions that result from drive through businesses.

An increase in walking traffic does not mitigate the increased emissions or the traffic hazards presented for those walkers.

The regulation change will result in an inevitable increase in traffic which will directly impact the walking safety in this area for any existing workers or future residents. This is not addressed. Any increase in turning movements across a sidewalk increases the potential for collisions. A collision that strikes a person who is walking or cycling is certainly more dangerous for the vulnerable user than for the automobile occupant.

3. How would the proposal be likely to deplete energy or natural resources?

Does Not Apply. No specific project proposed.

Agency Response: The proposed amendments will not likely have much of an impact on the use of energy or natural resources, at least not immediately or significantly. One benefit is that forms of

active transportation may begin to increase as more space is devoted to housing at an urban scale. Fossil fuels continue to be used by Olympia as an energy source for construction, maintenance and operation.

How can we know that the impacts will not be significant if we do not know the specific projects that may result from the change in regulation? The agency response, once again, is explaining and attempting to 'balance' while deferring specifics until projects are proposed.

Proposed measures to protect or conserve energy and natural resources are:

Does Not Apply. No specific project proposed.

Agency Response: Continuing to accommodate population growth within the City will help protect rural and resource lands in the county and support transit. Development in the city's higher density areas will support shorter block lengths which can make walking and cycling more viable transportation options for more people.

This area around Plum Street is fully developed with streets. Changes to the block size are unlikely to happen. The agency response appears to suggest that this change in regulation could improve walking and cycling conditions. Once again, we have no specific proposal, so how can the agency explain a detail of future projects that, in this case, is not likely.

Development of drive through businesses has been shown to make walking and cycling less viable transportation options in the immediate vicinity of these businesses.