

April 19, 2003

Re: Title VI and Environmental Justice Complaints in Vancouver, WA

This document was prepared by:
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This document was prepared by the Rosemere Neighborhood Association (RNA), which is staffed entirely by volunteers who reside in the Rosemere Neighborhood. Part of the RNA's mission, which is in keeping with the filing of this complaint, is to: "Encourage participation of all residents and to prohibit discrimination based on the following: race, religion, color, gender, national origin, marital status, familial status, income level, age, sexual orientation, disability, political ideology, ethnicity, gender identification, literacy, and the ability to speak English;" and to "Promote and encourage environmental awareness and preservation in Rosemere."

This document is arranged in two parts: I) A General Overview of the Complaint in Relation to 17 Affected Neighborhoods in West Vancouver; II) The Complaint as it Relates Specifically to the Rosemere Neighborhood.

SECTION I

A GENERAL OVERVIEW OF THE COMPLAINT AS IT RELATES TO 17 AFFECTED NEIGHBORHOODS IN WEST VANCOUVER:

THE 17 NEIGHBORHOODS BEING: ROSEMERE, WEST MINNEHAHA, CENTRAL PARK, HUDSON'S BAY, FOURTH PLAIN VILLAGE, HARNEY HEIGHTS, BAGLEY DOWNS, MEADOW HOMES, OGDEN, OAKBROOK, VAN MALL, SHUMWAY, ARNADA, ESTHER SHORT, HOUGH, CARTER PARK AND LINCOLN

The RNA of Vancouver, WA, has performed a study and based on the results of this study is requesting a federal investigation to identify the Title VI and Environmental Justice violations, as committed by the City of Vancouver via the **Vancouver Municipal Ordinance 20.95 --Transit Overlay District (TOD)**. This study alleges that the City of Vancouver has provided, and continues to provide municipal services in a discriminatory manner, the discrimination occurring against ethnic minorities and populations of poverty and low income who reside within the TOD. The RNA alleges that the City of Vancouver discriminates against the residents of the aforementioned 17 neighborhoods with respect to zoning, which in turn causes disproportionate negative socioeconomic impacts on the residents of these neighborhoods. The zoning in question, which is part of the City of Vancouver's Urban Comprehensive Plan, employs the use of federal funds to maintain and operate the TOD.

The RNA has identified a variety of federal funding sources in the TOD, and therefore requests the U.S. Department of Housing and Urban Development, the U.S. Department of Transportation, and the Environmental Protection Agency to establish which federal agency or agencies have jurisdiction over this complaint. This study will clearly show how the application of identified federal funds within the TOD has contributed to the negative impacts of these neighborhoods. Pursuant to Title VI of the Civil Rights Act of 1964, Environmental Justice Under Executive Order Number 12898, and the Civil Rights Restoration Act of 1987, federal agencies are required to

ensure that all federal-aid recipients, subrecipients, and contractors prevent discrimination and ensure nondiscrimination in all of their programs and activities, whether those programs and activities are federally funded or not.

The RNA has prepared demographic data to identify the ethnic minority and low income populations at risk due to the application of the TOD in West Vancouver. The demographic data included shows clearly that the populations at risk meet the benchmarks for EPA Title VI and Environmental Justice guidelines, which therefore merits further investigation at the Federal level. The data has been collected from the following sources: US Census Bureau 2000 Figures, The Vancouver Housing Authority, the Vancouver Police Department, the First Home Loan Program, C-TRAN and various departments within Vancouver City Government.

According to the City's Urban Comprehensive Plan (VMC Section 18.08.030), "The comprehensive land use plan reflects a carefully studied estimate of future land requirements for expansion and renewal, showing how development in the urban area should proceed in the future to insure the best possible physical environment for urban living, the most economic use of land, and the proper balance in use from a cost-revenue point of view." This study will show that the physical environment for these 17 neighborhoods has been adversely affected by the implementation of this plan, and that the design of the plan seeks to condemn the livability of the 17 neighborhoods with the intent of transforming them in means that cause ethnic and low-income discrimination, and that the City does not guarantee to provide amenities to these ethnic minority and low-income neighborhoods in an equitable fashion as it would guarantee to provide for neighborhoods that are distinctly within the white and upper class majorities.

"Rosemere claims city zoning spawns neighborhood decay"

The Columbian Newspaper

Vancouver, Washington

Apr 2, 2003

Author: JEFFREY MIZE, Columbian staff writer

ISSN: 10434151

Full Text:

Vancouver's zoning policies have caused 17 areas to suffer poverty, crime and urban decay, a document compiled by the Rosemere Neighborhood Association alleges.

Rosemere Chairman Dvija Michael Bertish has submitted the complaint to federal agencies and requested an investigation to determine if the city has discriminated against poor people and minorities.

"Time and time again, people from the neighborhood have come to the city and pointed out these problems," Bertish said last week. "The reaction has always been the same: this blank stare or the inability to grasp the fundamental problem."

The document alleges that Vancouver's long-range growth plan "seeks to condemn the livability" of 17 neighborhoods. It also charges that Vancouver hasn't provided the same amenities to these neighborhoods as it has to affluent, predominantly white areas.

"We are fighting to stop the neighborhood from turning into a Watts situation," Bertish said. "It's very close. It's brewing, let me tell you."

When asked to elaborate on what he means by a "Watts situation," Bertish replied: "A hot bed of issues that arise from disenfranchised people and these disenfranchised people turn to gang mentality as their support structure."

City officials say they are examining the group's conclusions and recommendations.

"I am having our legal department review the complaint," City Manager Pat McDonnell said. "But (I) do not believe there is any legal merit to it."

Brent Boger, an assistant city attorney, disputed the contention that Vancouver's zoning polices have spawned a multitude of problems.

"That's just really far-fetched," Boger said. "I think they are trying to get us to correct all of the social ills of the city through the zoning code, and I don't think we have the ability to do that."

Bertish said Rosemere is in danger of becoming a "ghetto" with high crime, rampant unemployment, industrial pollution, substandard public amenities and lax enforcement of building codes.

The Rosemere complaint pulls together a mountain of data from the U.S. Census Bureau, Vancouver Police Department, C-Tran and other sources on poverty levels, minority populations, crime rates and subsidized housing.

Its underlying argument is the city has encouraged higher urban densities in Rosemere but failed to support the growth with better public amenities and services, a combination that has contributed to a downward spiral in overall livability.

"Infill within established neighborhoods that are already underserved causes urban blight and the propagation of ghettos and slums," the complaint says. "Certain pockets within the west-side neighborhoods are considered undesirable and problematic, places unsafe to raise a family, and those who live here are generally those who cannot afford to live elsewhere. These neighborhoods are therefore seen as a 'cast-off' society and a nuisance where the disadvantaged and disenfranchised people live."

Catalyst for complaint

The complaint was an outgrowth of the neighborhood association's unsuccessful effort to scuttle the 10-unit Winkelman apartment project at 2614 O St.

Bertish said the project is "too big for the lot it's being crammed into," particularly given that Rosemere already has problems with other apartments.

"All you have to do is look at the other apartment complexes in our neighborhood and see the crime that goes with it," he said.

Although the Winkelman project might have been the catalyst, the complaint's primary target is the city's "transit overlay district."

The district was a program launched in the mid-1990s to reduce urban sprawl by promoting higher densities, fewer parking spaces and other designs to encourage transit use.

Business representatives fiercely opposed the requirements. In December 1996, the city council acquiesced and made the standards voluntary, not mandatory.

Boger said he doesn't understand how this program could manifest into discrimination.

"The whole idea of a transit overlay district is to encourage people to ride public transit," he said. "How that turns around and becomes disparate discrimination I think is going to be tough to show."

17 neighborhoods

The complaint contends that 17 neighborhoods have suffered under the city's zoning policies: Arnada, Bagley Downs, Carter Park, Central Park, Esther Short, Fourth Plain Village, Harney Heights, Hough, Hudson's Bay, Lincoln, Meadow Homes, Oakbrook, Ogden, Rosemere, Shumway, Van Mall and West Minnehaha.

The complaint says the 17 neighborhoods have some of the highest crime and poverty rates in Clark County.

The complaint ends with a list of "requested remedies," including revoking approval of the Winkelman apartments, repealing the transit overlay district, removing high-density zoning from areas with single-family homes, limiting high-density zoning to areas with apartment complexes and requiring "Section 8" renters who receive subsidized housing to take drug tests.

The complaint also asks the city to finish sidewalks, curbs, gutters, drains and sewers; install speed bumps and other traffic "calming" devices; and seek alternate methods for managing growth, including expanding the city limits.

Text of Letter Received from the Washington State Department of Transportation

From James A. Medina, Manager

External Civil Rights Branch

Prepared by: Jose Rivera, Title VI Coordinator

Washington State Department of Transportation

210 Maple Park Avenue SE

Box 47300

Olympia, WA 98504

(360) 705-7000

(Note: The issues surrounding I-5 improvements in the Title VI complaint were singled out and resubmitted as a second Title VI complaint sent only to the Washington State Department of Transportation.)

April 7, 2003

Mr. Dvija M. Bertish

Rosemere Neighborhood Association

PO Box 61471

Vancouver, WA 98666

Re: Title VI/EJ Complaint: I-5 Corridor Improvements Project

Dear Mr. Bertish:

The Washington State Department of Transportation (WSDOT), Office of Equal Opportunity (OEO) has reviewed the February 21, 2003 complaint you forwarded to us via electronic mail transmittal on behalf of the complainant, the Rosemere Neighborhood Association (RNA), in Vancouver, WA. The RNA complaint alleges the I-5 Corridor Project WSDOT and Oregon Department OF Transportation (ODOT) are proposing, may promote major displacements in Rosemere's "K" Street, causing a disproportionate impact on your neighborhood's community cohesion. Your complaint also describes Rosemere as a neighborhood with a significant number of minority and low-income residents.

RNA's complaint invokes protection under the provisions of Title VI of the Civil Rights Act of 1964 (Title VI), and the administrative provisions of the Executive Order 12898 on Environmental Justice and asks WSDOT to assume jurisdiction for a proper investigation.

WSDOT has analyzed the issues presented in the aforementioned complaint for determination of jurisdiction for investigation. WSDOT has determined that the complaint merits an internal inquiry. Hence, OEO has initiated an internal fact-finding process with the Department’s Southwest Region in an attempt to address the issue at the lowest level possible. Please be aware that if WSDOT is unable to resolve the issue internally, the complaint will be transmitted to the Federal Highway Administration (FHWA), Washington Division Office in Olympia for proper disposition.

WSDOT is committed to a federal-aid highway process free from all forms of discrimination.

If you have questions, please do not hesitate to contact Mr. Jose L. Rivera, Title VI Coordinator, at (360) 705-7098.

Sincerely,

James A. Medina
 Manager
 External Civil Rights Branch

By: Jose L. Rivera
 Title VI Coordinator

JLR

- c: Don Wagner, RA, SW Region
- Jodi Petersen, FHWA
- Larry Schofield, H&LP
- Bill Pierce, SW Region, H&LP

Statistics and Demographics of the Study Area in West Vancouver, WA

Demographics of 17 Neighborhoods Contained Within the TOD

**Chart #1
 Poverty and Low-Income Populations Sorted By Descending “Percent Pop. Below Poverty”
 Taken from Census 2000 Data as provided by Vancouver Housing Authority**

Neighborhood	Census Tract	Households that make 1.2X the State Average (EJ Threshold)	Percent of Households making below \$25,000 (EJ Avg. 24.37%)	Percent of Populous Un-Employed (State Avg 4.1%)	Percent of Populous below Poverty Line	All Active Section 8 Units	All Active Section 8 Units with Children
Bagley/ Meadow Homes	416.00	YES	51.46%	10.3%	27.81%	123	50
Harney Heights	427.00	YES	54.59%	11.0%	26.87%	129	32
Esther Short	424.00	YES	84.57%	53.2%	25.21%	3	1
Rosemere/	417.00	YES	40.92%	7.8%	22.83%	54	24

Fourth Plain							
Rosemere	418.00	YES	39.50%	9.6%	21.46%	69	27
Central Park/ Hudsons Bay	426.00	YES	43.09%	7.1%	19.64%	65	19
Hough	423.00	YES	45.10%	7.5%	19.52%	37	13
Ogden/Van Mall	411.09	YES	33.47%	8.7%	19.26%	96	48
Arnada/ Esther Short	425.00	YES	34.69%	1.1%	16.13%	10	2
Ogden/Van Mall	411.08	YES	29.53%	12.7%	14.90%	47	28
Shumway/Lincoln	419.00	YES	35.70%	8.4%	13.18%	22	11
West Minnehaha	410.02	YES	32.04%	7.1%	12.89%	66	28
Bagley/ West Minnehaha	411.10	YES	22.10%	3.2%	12.43%	43	28
Lincoln	420.00	YES	21.52%	1.6%	9.38%	1	1
Carter Park/ Lincoln	421.00	YES	30.03%	8.2%	9.07%	47	29
Ogden/Oakbrook	412.03	YES	26.51%	8.0%	9.06%	47	30
Ogden	412.05	NO	22.61%	3.2%	6.82%	36	21
Totals						895	392

Chart #2

Ethnic Minority Populations Sorted in Descending Order by "Percent Ethnic Minority"
Taken From Census 2000 Data

Neighborhood	Census Tract	Total Populous	Non English Speaking at home (County Avg 11.5%)	Speak English Less than "Very Well" (County Avg 5.5%)	Total Non-White, Hispanic, Latino Populous	Percent Racial Minority	Percent Populous Using Public Transportation (County Avg 2.6%)	Percent Populous Car-pooling (County Avg 11.2%)
Rosemere/ Fourth Plain	417.00	4,073	28.5%	19.6%	1,939	47.61%	10.7%	20.7%
Ogden/Van Mall	411.09	6,070	37.9%	27.5%	2,317	38.17%	6.2%	16.7%
Harney Heights	427.00	4,154	30.9%	22.5%	1,518	36.54%	12.0%	23.0%
Bagley Downs/ /Meadow Homes	416.00	3,847	35.9%	26.9%	1,301	33.82%	5.4%	15.0%
Rosemere	418.00	4,021	19.5%	11.2%	1,065	26.49%	4.8%	20.8%
Ogden/Oakbrook	412.03	4,028	10.9%	4.8%	861	21.38%	3.0%	13.4%
Central Park/ Hudsons Bay	426.00	4,486	15.8%	8.3%	909	20.26%	3.8%	12.5%
Hough	423.00	2,776	13.8%	6.1%	552	19.88%	7.7%	12.2%
Bagley Downs/ West Minnehaha	411.10	4,891	12.8%	7.5%	902	18.44%	2.4%	14.3%
Ogden/Van Mall	411.08	5,310	14.5%	9.1%	958	18.04%	3.5%	15.1%
West Minnehaha	410.02	6,267	8.9%	3.7%	1,058	16.88%	2.6%	12.6%
Ogden	412.05	4,195	16.7%	8.1%	686	16.35%	1.9%	12.7%
Esther Short	424.00	1,448	9.4%	3.8%	236	16.30%	15.4%	0.0%
Arnada/	425.00	1,116	10.8%	0.8%	175	15.68%	1.8%	16.3%

Esther Short								
Carter Park/Lincoln	421.00	2,612	13.0%	3.7%	406	15.54%	3.1%	10.1%
Shumway/Lincoln	419.00	2,110	4.9%	1.6%	261	12.37%	7.0%	10.1%
Lincoln	420.00	1,524	3.5%	0.4%	185	12.14%	3.5%	15.7%
Totals		62,928				15,329		

Synopsis of Chart #1

- There are 84 total census tracts in Clark County.
- Thirteen of the most highly impoverished Census Tracts in Clark County are part of the TOD (inside city limits).
- Six of these most highly impoverished Census Tracts have a poverty population that exceeds 20%
- The highest concentration of section-8 housing in the county is within the most impoverished census tracts (inside city limits).
- All but one of these census tracts exceeds the Washington State Average Threshold of 24.37% for EPA Environmental Justice standards for locating possible Environmental Justice Communities.
- The neighborhoods that comprise the TOD qualify as an Environmental Justice Community.
- Thirteen of the Census Tracts show unemployment rates well above the county average of 5.9% and the state average of 4.1%.

Synopsis of Chart #2

- Six neighborhoods contain populations where both low-income and minority factors are above 1.2X the state average: Rosemere, Fourth Plain Village, Bagley Downs, Harney Heights, Ogden and Central Park
- As entities within the TOD, these same six neighborhoods qualify sufficiently for a Title VI claim, while sixteen of the TOD neighborhoods qualify for an Environmental Justice claim.
- The highest concentration of ethnic minorities in the TOD is within the Rosemere and Fourth Plain Village Neighborhoods.
- 18% of Clark County's entire population lives in the neighborhoods in the TOD (inside the city limits)
- The most ethnic neighborhoods in this study also have the highest inability to speak English in the county.
- Clark County is 89% white majority (It was upwards of 96% white majority in 1990).
- 40% of all the racial minorities in Clark County live within the 17 neighborhoods that are included in the TOD (inside the city limits). There are 89 recognized neighborhoods in Clark County and 59 of them are in the city limits.
- Fourteen of these census tracts meet or greatly exceed the County Average of 2.6% for those who use public transportation.
- Fourteen of these census tracts meet or greatly exceed the County Average of 1.2% for those who carpool.
- The minority population in Clark County is concentrating its growth in the TOD neighborhoods (inside city limits), which are also the poorest neighborhoods in the county.
- The population of Russian immigrants, a large minority present in these neighborhoods, is not represented by the Census data as shown. Census figures include Russians within the "white" population. Russian immigrants may be found in the category concerning non-English speaking census tracts.

Please note: Census Tract boundaries do not match Vancouver neighborhood boundaries. The data in these charts approximates the comparison of the census tract boundaries to neighborhood boundaries as closely as possible. Census tract maps also do not correlate to the TOD maps. Many of the 17 neighborhoods in this study are completely engulfed by the TOD, but there are also several neighborhoods that are only included partially. For the purposes of this study, the data from all neighborhoods (or census tracts) that are touched by the TOD are counted in their entirety, even if the entire neighborhood is not within the boundaries of the TOD. This is done with the understanding that the affects of the TOD reach beyond hypothetically drawn boundaries that define the TOD in map form.

Chart #3

**Crime Rate Statistics Organized by Neighborhood in the TOD
Sorted By “Incidents Per 1000 Person 2001” in Descending Order
Data Provided by Vancouver Police Department Analysts**

Neighborhood	Total Populous	Number of Crime Incidents 2001	Incidents Per 1000 Persons 2001	Number Crime Incidents First Qtr. 2002	Incidents Per 1000 Persons First Qtr. 2002	Number Crime Incidents Second Qtr. 2002	Incidents Per 1000 Persons Second Qtr. 2002
Bagley Downs	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Esther Short	374	894	2,390.87	269	719.25	303	810.16
Meadow Homes	1,016	520	511.81	179	176.18	190	187.01
Arnada	973	312	320.66	61	62.69	88	90.44
Van Mall	4,699	1,493	317.73	459	97.68	375	79.80
Ogden	3,492	960	274.91	305	87.34	279	79.90
Hudson's Bay	1,346	314	233.28	52	38.63	97	72.07
Hough	2,425	544	224.33	180	74.23	171	70.52
Shumway	1,126	251	222.91	109	96.80	83	73.71
Rosemere	5,567	1,103	198.13	357	64.13	363	65.21
Harney Heights	5,575	961	172.38	285	51.12	343	61.52
West Minnehaha	2,966	426	143.63	161	54.28	154	51.92
Lincoln	3,332	472	141.66	139	41.72	121	36.31
Central Park	2,251	301	133.72	141	62.64	140	62.19
Fourth Plain Vlg.	2,579	339	131.45	113	43.82	156	60.49
Carter Park	2,453	298	121.48	73	29.76	99	40.36
Oakbrook	2,583	234	90.59	70	27.10	104	40.26
Totals	42,757	9,422		2,953		3,066	
County Averages			104.44		43.30		44.76

Synopsis of Chart #3

- 34% of all the incidents of crime recorded by the Law Enforcement in Clark County occurs in the TOD (inside the city limits)
- There is a 13% increase in incidents of crime from 2001 to the first half of 2002 in the TOD (inside city limits)
- All but one neighborhood’s crime rate in the TOD was above the County Average in 2001, most well above the County Average in 2002 – ranging from 115%-490% above average (excluding Esther Short)
- The TOD neighborhoods rank among the very highest crime rates in all of Clark County (89 Neighborhoods county-wide)
- This chart indicates those neighborhoods that have the most poverty, and the highest percentages of ethnic minority populations also experience the highest levels of crime.

One of the largest elements of the incidents of crime in the area is drug trafficking, sale and use. Residents have repeatedly discussed the dangers surrounding the production of Methamphetamine with City Council and City Management, including the Meth Task Force, but to date the process of field testing housing units for residues of Methamphetamine is not being done. “Meth Busts” occur frequently in the TOD. As a result of this drug trafficking, used hypodermic syringes are often found discarded on the ground where children have been known to retrieve them and play with them. Within the past few months, children were seen playing with used syringes,

filling them with water and using them as squirtguns – the children were spraying water in each other’s faces. Both the Southwest Washington Health District and the Meth Task Force were informed of this terribly dangerous situation, and requested assistance with sharps containers as a means of controlling the discarded syringes, but to date there has been nothing done with the exception of light discussion in committee meetings.

Subsidized Housing Applied to Neighborhoods Within the TOD

**Chart #4
Federal Aid Received by Residents organized by Zip Code
Data Provided by the Vancouver Housing Authority and
The First Time Home Buyer’s Program**

Zip Code	Section 8 Units	Federal Funds Applied to Section 8	Section 8 Units With Children	First Time Home Buyer Loans	Federal Funds Applied to Home Buyer Loans
98642	6	\$2,928	6	1	\$20,053
98661	566	\$276,208	223	48	\$962,544
98662	129	\$62,952	88	35	\$701,855
98663	134	\$65,392	63	27	\$541,431
98665	178	\$86,864	71	6	\$120,318
98685	71	\$34,648	22	2	\$40,106
98686	29	\$14,152	18	3	\$60,159
Totals	1113	\$543,144	491	122	\$2,446,466

Synopsis of Chart #4

- 39% of all the Subsidized First Time Home Buyer’s Loans that exist in Clark County (inside the city limits) occur within the TOD neighborhoods (inside the city limits). There are additional subsidized homes in the unincorporated neighborhoods that are also in the TOD. The First Time Home Buyer’s Program was established in 1996.
- 57% of all the active subsidized Section-8 vouchers in Clark County (inside the city limits) occur within the TOD neighborhoods (inside the city limits). There are additional Section-8 vouchers in the unincorporated neighborhoods that are also in the TOD.
- These funds have leveraged approximately \$28 million in private dollars into the community through 1st mortgage loans, buyer and seller participation in the loan through closing costs and seller concessions through the purchase and sale agreement process.
- The program average for a "silent second mortgage" is \$20,053 with the average 1st with the average 1st mortgage loan amount at \$84,283.

**Chart #5
Housing Statistics from Census 2000
Owner Occupied vs. Renter Occupied for 2000 &
Hooked to Sewer vs. Not Hooked to Sewer 1999**

Neighborhood	Census Tract 2000	Owner Occupied 2000	Renter Occupied 2000	On Sewer 1990	Not on Sewer 1990	Tract Number 1990
(County Totals)		64.3%	35.7%	61,212	31,329	

W Minnehaha	410.02	56.2%	43.8%	2,091	256	
Ogden/Van Mall	411.08	36.4%	63.6%	1,284	283	411.03
Ogden/Van Mall	411.09	56.2%	43.8%	410	410	411.06
Bagley/ West Minnehaha	411.10					411.06
Ogden/Oakbrook	412.03	56.0%	44.0%	1,056	370	
Ogden	412.05	49.4%	50.6%	2,155	736	412.04
Bagley Downs/ Meadow Homes	416.00	27.2%	72.8%	1,160	55	
Rosemere/ Fourth Plain Vlg	417.00	32.1%	67.9%	1,565	55	
Rosemere	418.00	47.7%	52.3%	1,540	89	
Shumway/Lincoln	419.00	43.5%	56.5%	1,052	20	
Lincoln	420.00	68.6%	31.4%	610	4	
Carter Park/ Lincoln	421.00	56.0%	44.0%	1,128	7	
Hough	423.00	36.6%	63.4%	1,398	20	
Esther Short	424.00	1.7%	98.3%	450	0	
Arnada/ Esther Short	425.00	39.3%	60.7%	647	0	
Central Park Hudsons Bay	426.00	30.7%	69.3%	1,957	80	
Harney Heights	427.00	20.0%	80.0%	1,903	38	
Totals				20,406	2,423	

Additional Information on Sewers

- From Volume II of the City's Growth Management Plan -- Policy #82: New on-site sewage treatment systems are discouraged within the Vancouver urban area; Policy #83: Existing on-site sewage treatment systems should be converted to sewer service when it becomes available. Until sewer service becomes available, certain limitations on the use of properties with on-site sewage treatment systems should be imposed to protect the public health and welfare (see Implementation Measure #IM78). Programs to ease the transition to the sewer service should be developed; Implementation Measure #78: When a change in use is proposed or an application for an industrial or commercial development received, the Business Identification Reporting Database shall be used to determine compatibility with an existing on-site sewage treatment system. If the use is not compatible, connection to the sewer service shall be required at the owner's expense.
- Residents are currently required to pay for sewer hookup to the City's sewer system. The homeowner needs to pay the system development fee (\$1,999.00) and the application fee (25.00) plus any latecomer fees (amounts vary) prior to any permits being issued. The plumbing permit (\$80.12) will allow the connection from the right of way line (typically behind the sidewalk) to the house and abandonment of the septic. If there is no stub from the street to the right of way line a "Right of Way" permit must be obtained by an approved contractor to cut the street and tap the main. The City has a financial plan for single family residences. It consists of a 20-year (monthly payment) plan at approximately 6.5% with no pre-payment penalty but the loan must be paid off at the sale of the property. If there is no sewer main a petition can be given to the City and if the interest is great enough the City may build a sewer main. In that case each homeowner would pay their fair share of the construction cost when they hook up.
- A city engineer, responsible for sewer, water, drainage and transportation improvements, is not aware of any formal timelines to convert those on septic tanks to city sewer systems. The Health District is the governing

body that makes the determination if a facility should be on public sewer, or if a facility can utilize a private system.

- The poverty and low-income population may not be able to afford the cost of sewer hookup, or even the cost of regular service to upkeep septic tanks. Many residents who do not currently have city sewer service want this service. A prerequisite for high urban density development would be a complete sewer and drainage network for all residents. There may be serious groundwater or ecosystem contamination due to unmanaged septic tanks in the TOD, especially with absentee landlords in charge of the very high percentage of rental units. An audit should be performed to determine how many households are still without sewer service.

Synopsis of Chart #5

- 2000 Census Tracts were re-designed – they do not consistently match 1990 Census Tracts
- There is no data regarding sewer service in the 2000 Census
- All but one of these census tracts is well below the county average for owner-occupied homes.
- All but one of these census tracts meets or greatly exceeds the county average for rentals.
- 33.9% of all households in Clark County did not have sewer service in 1990.
- 10.6% of all households in the current TOD did not have sewer service in 1990.
- The city has no timetable for sewer service upgrades

Chart #6

**Estimated C-TRAN Ridership along the Fourth Plain Corridor
Cross-Town Route Through TOD, Bus Route 4
Provided by C-TRAN**

Bus Stop Location	East-Bound boarding	East-bound deboarding	Bus Stop Location	West-bound boarding	West-bound deboarding
E 37th & Main	568	126	Van Mall & NE 94th Ave	397	77
Main & 9th	19	1	Van Mall & 94th Ave	56	3
Main & 11th	23	3	4th Plain & Spokane	4	0
Main & 13th	41	8	4th Plain & Thurston	25	0
Main & 16 th	10	4	4th Plain & Pacific	6	3
Main & McGlothlin	6	11	4th Plain & 78th Ave	102	31
Broadway & 29 th	13	4	4th Plain & Boston Chick	14	4
Broadway & 22 nd	23	11	4th Plain & 72nd Ave	44	17
Broadway & 25 th	86	22	4th Plain & NE Andresen	33	14
4th Plain & D	17	0	4th Plain & 65th Ave	64	18
4th Plain & F	6	12	4th Plain & 62nd Ave	45	16
4th Plain & O	8	9	4th Plain & Kyocera	22	20
4th Plain & VA Medical	39	62	4th Plain & 57th Ave	32	7
4th Plain & T	37	44	Stapleton & Pan Terra	21	22
4th Plain & Fort Van Way	93	41	Plomondon & Stapleton	19	14
4th Plain & Z	16	21	Plomondon & Spaulding	20	2
4th Plain & Grand Blvd	74	58	Plomondon & Spaulding	19	13
4th Plain & Laurel Place	33	39	Caples & Post Office	34	17
4th Plain & Todd Rd	26	34	4th Plain & Wintler Dr	28	15
4th Plain & Brandt Rd	26	10	4th Plain & Falk Rd	31	12
4th Plain & Falk Rd	18	37	4th Plain & Evergreen Pk	56	48
Caples & Post Office	25	48	4th Plain & Neals Lane	23	14

Plomondon & Caples	5	19	4th Plain & Norris	25	14
Plomondon & Spaulding	9	36	4th Plain & Grand Blvd	84	71
Plomondon & Stapleton	15	27	4th Plain & Z	16	19
Stapleton & Pan Terra	27	28	4th Plain & Fort Van Way	47	58
4th Plain & 57 th	11	11	4th Plain & T	57	38
4th Plain & Kyocera	23	30	4th Plain & O	53	25
4th Plain & 62nd Ave	14	26	4th Plain & F	14	31
4th Plain & 65th Ave	28	79	Main & 24 th	29	99
4th Plain & Andresen	7	50	Main & 23 rd	15	17
4th Plain & NE Andresen	14	29	Main & 20 th	8	20
4th Plain & Andresen	6	15	Broadway & 16 th	3	18
4th Plain & Burton Rd	17	30	Broadway & Mill Plain	4	16
4th Plain & 78th Ave	22	65	Broadway & 13 th	4	72
4th Plain & Family Tree	8	11	Broadway & 11 th	2	17
4th Plain & Moose Lodge	1	8	Broadway & 8 th	0	50
4th Plain & 86th Ave	2	10	E 7th & Main	78	500
4th Plain & Royal Oaks	3	17			
4th Plain & Spokane	1	3			
Van Mall Dr & 94th Ave	1	60			
Van Mall Dr & NE 94th Ave	90	369			
TOTALS	1511	1528		1534	1432

Additional Statistics for Chart #6

- Approximately 6005 riders use this mass transit corridor during the weekday – the main TOD route. These figures indicate total one way trips, not round trips. Actual number of people riding the bus may be only half of this total figure if total round trips are considered.
- Ridership on this route is 17.8% of seated capacity from 5:00am-7:00pm
- Ridership on this route is 24.7% of total C-TRAN weekday totals – This percentage is nearly equal to the 25% reduction of required parking for new building regulations in the TOD. Ridership is highest in the TOD than elsewhere in the city, even without extensive high-density urban development since the TOD was implemented.
- There are 56 round trips on Fourth Plain Blvd. route each weekday
- Buses run every 15 minutes from 5:10am – 7:00pm, with additional service until 10:00pm
- Maximum seating per bus is 43, Standing room 17
- Average C-TRAN 2002 weekday ridership in the county is 24,537
- Average C-TRAN 2002 weekday ridership in the city is 19,300 (excludes fair service, commuter service, rural service)
- There are 1,897 bus stops in the C-TRAN system.
- There are 79 stops on Bus Route 4, or just over 4% of the total stops.

Transit Overlay District – Vancouver Municipal Ordinance 20.95

Verbiage From the TOD Vancouver Municipal Ordinance

“It is the purpose of the Transit Overlay District to improve mobility by providing for pedestrian and transit friendly development through a mix of residential, commercial and employment opportunities that focus appropriate densities and design characteristics within the designated transit corridors. Specifically, the Transit Overlay District is intended to:

- A. Carry out the goals and objectives of the Community Framework plan and the Vancouver Urban Area Comprehensive Plan;

- B. Provide densities that encourage mixed-use development within the transit corridor and support multi-modal transportation facilities including high capacity transit;
- C. Encourage infill and reinvestment in the urban area while adding to the quality of life;
- D. Create safe, attractive and convenient access for transit users, pedestrians, bicyclists, and others through building and site design;
- E. Reduce conflicts between pedestrians, bicyclists and vehicles;
- F. Reduce automobile trips and reliance on the single-occupant vehicle by discouraging auto-oriented uses and encouraging alternative modes of transportation;
- G. Promote livability, commerce and neighborhood vitality;
- H. Reinforce public investments with private development;
- I. Provide for transit overlay concepts while reflecting market forces;
- J. Target overlay concepts to different areas within the Transit Overlay District;
- K. Promote land use patterns and designs identified through the Visual Preference Survey process.
- L. Provide a voluntary and incentive-based ordinance that both encourages pedestrian and transit oriented design elements and furnishes flexibility. (Ord. M-3283 § 1, 1997)

Rebuttal to the “Purpose of The TOD” Ordinance

The TOD operates among four major arterial routes on the west side of Vancouver: Interstate 5, Fourth Plain Blvd., State Route 500, and Interstate 205. There are a number of neighborhoods that are completely engulfed by the TOD, and this is particularly problematic for those areas zoned R-30, high density residential with some non-residential uses. Noted R-30 zones within the TOD do not have the necessary support structure of amenities and services to support high density urban living

The area within the TOD is underserved by the city and the Urban Comprehensive Plan, which is a direct result of the implementation of the Growth Management Act (GMA). The GMA’s goal is to infill and develop the urban area while keeping the city’s boundary from expanding. Clark County is one of the fastest growing populations in the state of Washington, and the population of Vancouver is growing very rapidly as well. The GMA was intended to operate in concert with surrounding cities in the county like Camas and Washougal, especially in regard to high density development, but those cities have elected not to pursue the high density development plan like Vancouver has, regardless of the GMA’s mandate to do so. In order to prevent urban sprawl, the GMA guidelines specify the need for high-density urban development. Generally, such development would occur on vacant parcels, but with the decline of available parcels on which to build, infill becomes the goal. Neighborhood leaders have approached the City Council to request that the urban borders should be increased in order to accommodate the rapid growth, but the request has been refused many times in favor of infill.

Infill within established neighborhoods that are already underserved causes urban blight and the propagation of ghettos and slums. Certain pockets within the West Side neighborhoods are considered undesirable and problematic, places unsafe to raise a family, and those who live here are generally those who cannot afford to live elsewhere. These neighborhoods are therefore seen as a “cast-off” society and a nuisance where the disadvantaged and disenfranchised people live. Many neighborhood leaders have been working for years to improve the area’s reputation, and tremendous improvements have been made, but the City’s discriminatory practices, such as the implementation of the TOD, simply annihilate the many efforts the residents have put toward community stewardship. This needs to be corrected so that we can again begin to regenerate and renovate, and build a proper place to live. The city must be accountable for its actions, especially the propagation of discrimination.

The intent behind the TOD ordinance is to create high density “urban centers” supported by transit nodes and corridors. The justification for this methodology is that high-density development will ultimately catalyze the increased use of public transportation and will also lesson the amount of automobile trips within the overlay district. Thus, zoning incentives are included in the overlay district to attract high-density multi-family development on parcels that are adjacent to the transit corridor. The population of the TOD is already concentrated, representing 18% of the County’s population (within the city limits). The TOD ordinance is not

applied elsewhere in the city – it is only applied in West Vancouver, mostly along the Fourth Plain Blvd. corridor. This area represents the older and more established neighborhoods, as well as the poorest, the most racially diverse, the most crime-ridden, the most unemployed, and the most at risk for industrial pollution and contamination.

Prerequisites to high-density urban development are complete sewer networks, sidewalks and curbs, drainage control systems, and traffic calming devices to name a few. These amenities, which are commonplace in newer and wealthier all white neighborhoods, are sadly lacking in the TOD. This overlay ordinance actually seeks to cram more people in a tighter space while providing substandard service, and it does so while allowing relaxed building codes, especially in regard to parking requirements and setbacks. The TOD allows for a 25% decrease in parking in areas that do not have sidewalks, curbs, gutters, drainage or sufficient traffic calming. Furthermore, the ordinance allows for increased density on less land while allowing developers to claim the frontage area on the street to be considered as part of the required parking. No where else is street parking reserved in such a manner in a residential area.

The Transit Overlay District Ordinance, established in 1996, was later amended in 1997 to make it a voluntary, or discretionary ordinance – it is not mandatory for the regulations specified by this ordinance to be applied to every parcel located within the boundaries of the overlay district, but it can be applied to every parcel nonetheless. Developers may take advantage of the incentives offered by the TOD if they so desire, as long as they abide by the conditions required by the ordinance. The TOD is subdivided into two categories: Tier 1 (high-density development) and Tier 2 (increased density development).

Under the regulations of this ordinance, a low-income family may qualify for a government subsidized home loan and purchase this home within the TOD, only to have a developer purchase the home next-door and raze the structure in order to build an apartment complex on a parcel where a single family home once stood. The building of this new apartment complex, permitted by the ordinance, would adversely affect the property values and the livability standards of the government subsidized home, but neither of these values are applicable to the level of the law because they are variable values that cannot be legislated. The subsidized homeowners would then be stuck with a 30 year loan, living next to an apartment complex they do not want because they cannot afford to buy a home anywhere else, while overflow parking from the apartment complex fills their front yard because they don't have sidewalks or curbs, all the while the desirability of their property decreases with each drug bust that occurs at the apartment complex next door. To make matters worse, the regulations of the ordinance allow the developer to enjoy relaxed building codes, particularly in relation to setbacks, parking, and density, which ultimately destroy the safety of the neighborhood. Furthermore, the TOD permits non-residential uses for existing parcels, even within a residential community. The TOD permits commercial or mixed-use buildings to be established in predominantly residential areas, businesses that would also enjoy the benefit of relaxed building codes, all to the detriment of the neighborhoods. So, if our subsidized household is within an R-30 zone, it could end up with an apartment complex on one side and a hardware store on the other, and the Planning Commission would say "There is nothing we can do about it, though we recognize it is a problem." Such zoning would be the ruination of any residential landscape.

Even without the implementation of developments along the Fourth Plain Blvd. transit corridor, it is important to note that Census data clearly shows that residents within the TOD are conscientious car-poolers and users of public transportation. In fact, these TOD neighborhoods are ranked among the highest in Clark County of those who carpool and ride the bus. However, the passage of State Initiative 695 will cause large budget cuts within the C-TRAN system, and the availability of public transportation will be curtailed. C-TRAN is currently spending down its reserve, and may face serious budgetary constraints that will further impede the use of public transportation throughout the TOD.

Traffic engineers maintain that the TOD, in combination with high urban density zoning, is designed to lessen cross traffic, speeding, and traffic volumes in the residential areas. This is ludicrous when one realizes that these neighborhoods are sandwiched in between major cross-town arterials (State Route 500 and Fourth Plain Blvd. and

I-5) and drivers constantly cut through the neighborhoods to gain access to these arterials. One of the most frequent complaints neighborhood leaders receive is about speeding in the neighborhood. The Rosemere neighborhood suffered a tremendous loss with the deaths of two children, a brother and sister, who were both killed by a speeding driver while walking on a connector arterial street that connects to SR-500 – this street does not have sidewalks or curbs, is double wide, and causes continual speeding through the heart of a residential area due to poor design and construction. The only option the neighborhood has to correct the problem is to compete for CDBG funds, a time-consuming and detailed process that can take years to accomplish. This process does not address the immediacy of the dangers inherent in poor traffic management.

The zoning of the TOD is completely ineffectual in controlling traffic patterns, speeding, and traffic volume, or even in increasing the use of mass transit. The TOD merely “assumes” these improvements will occur simply because the ordinance exists, even without tools in place to enforce elements of the ordinance. The ordinance does not provide a means for making sure that people who live in high urban density zones within the TOD will park fewer cars, drive less, or rely on the bus more often. For those of us who live in these neighborhoods, that assumption is not only false, but it is also discriminatory and it degrades the livability of our community.

Zoning practices are a very complex and invasive element to neighborhood life. In a situation where a large part of the population does not speak English, it is important to provide accurate and competent translation services in order for residents to fully understand their rights. The Rosemere Neighborhood Association is the only neighborhood association that translates its monthly newsletter in order to help bridge this communication gap, and it has been doing so for nearly two years. Through volunteerism, the Rosemere newsletter is translated into Spanish and Russian. Elementary schools within the TOD have noted the need for and the lack of translation services. The City of Vancouver does not provide regular translation services in public forums or in printed materials, and therefore, the non-English-speaking population is unaware of how to voice their concerns, especially in regard to an issue as important as the TOD. The Vancouver Area Urban Comprehensive Plan does not account for impacts to racial minority populations and low income populations as caused by the TOD.

Burnt Bridge Creek, a natural waterway, runs right through the middle of the TOD. The residents of the TOD support the creek with property taxes, yet the creek and its habitat are polluted. Plans are being considered for the creek’s clean up and rehabilitation, possibly including the development of a nature trail. During the I-5 widening process at Burnt Bridge Creek, the Washington Department of Transportation installed environmental protective devices designed to preserve the ecology of the creek and to protect it from pollution carried by run-off drainage from the Interstate. An ecological study may be necessary to determine if pollutants are being carried into the creek due to the lack of run-off control and the lack of a drainage network in the neighborhoods. In building permit documentation regarding building plans within the TOD, site plan reviewers identify catch basins on parcels of property, but “it is unclear where the catch basins drain to.”

There have not been sufficient studies performed to determine environmental risks within the TOD, in spite of the fact that there are a number of identified severe environmental impact cases as listed by the EPA: two chrome plating plants on Vancouver’s West have been condemned as EPA Superfund sites, both of which have contaminated the water table with toxic chemicals. Stored pollutants have leaked into the water table at the Ross Island Substation (Bonneville Power Administration), and Vancouver Water Station #1 in the Rosemere district was also contaminated with carcinogens. It is possible that seepage from any of these contaminated sites could have affected the water quality of Burnt Bridge Creek, and this should be investigated. Among a large number of industrial facilities that are placed within a two-mile radius of the TOD, the EPA has recorded 645 instances of major and/or minor incidents of contamination. Clearly, environmental contamination is a huge risk to the neighborhoods of the TOD. Five major cases from the EPA’s National Priority List regarding contamination in Clark County are located within the radial perimeter of the TOD.

Despite the potential for contamination issues, the City of Vancouver issued the following press release on February 24, 2003:

“City to receive top environmental award from Department of Ecology

At the Monday, Feb. 24, Vancouver City Council meeting, Iloba Odum, director of Ecology's Vancouver office, will present the Environmental Excellence Award to the City of Vancouver for its new ordinance that protects the city's surface and ground water from pollution.

The Water Resources Protection Ordinance went into effect Feb. 3, 2003.”

From Thom McConathy of Clark County Water Quality Resource Council

Septic tank pollution on Burnt Bridge Creek was first identified with surface and ground water pollution in the 1960 Mundorf Groundwater study by USGS . Subsequently the 1980 Vancouver Lake Cleanup study made the remediation of these problems a prerequisite to the Cleanup project and so formed the Burnt Bridge Creek Utility.

This was required as the Burnt Bridge Creek Basin was the major source for nutrient loading causing the eutrophication of Vancouver Lake. Vancouver withdrew from this utility in 1995 and formed a city wide Stormwater utility. The present Burnt Bridge Creek planning under way is mostly a trail and recreation project and some of the projects may in fact exacerbate current water quality problems on the basin. The septic Tank conversion program run by the city would not solve this problem at its present rate in 300 years. It's too small, not prioritized and not affordable to low income people.

The BMP's that are used for Stormwater and erosion are supposed to be those of the 1990 Puget Sound manual but Vancouver ordinances are not in compliance with these. I have been a part of a Citizen Cleanwater Act suit forcing Clark County to be compliant with the Puget Sound manual and the city ordinances are not even up to County standards. If you want a point by point on how they are not compliant I would be glad to do that with you. Furthermore, the water quality ordinances recently put into the Vancouver Municipal Code are not being enforced. There are main water wells in jeopardy from industrial contamination.

Noise pollution disproportionately affects west side neighborhoods and monitoring levels from Hough Elementary school were in excess of 70 DB. Even though national and international studies have shown that loud noise in only the 55DB. range are cause and effect related to lower learning capabilities. Airports throughout this country are developing plans to limit the impact on neighborhoods and are paying to place noise insulation in schools and homes. This is not occurring on the west side of Vancouver even though many west side schools have large populations of children not testing at grade level.

Air pollution in Clark County is not monitored at its highest measured site which would be on the west side but at an average site on the east side. There is a political effort by the agency to meet Minimum clean air standards and make us in compliance no matter what the truth is. Higher ozone levels would be found sooner in the day in the Columbia slope area or any where on the west side of Vancouver due to south facing and sun reflected off the river. There must be air quality monitoring stations set up in neighborhoods like Rosemere, since the carbon dioxide from the I-5 corridor and the Transit Overlay District are at pronounced levels.

Federal Funds That Have Been Applied within or near the TOD

- **Proposed Winkleman Apartment Complex – Amount Unknown**
Low income apartment complexes qualify for funding from federal tax credit investments, as much as 40% of the costs of construction. Funding sources of this nature are not identifiable by the general public if they are used for private investment purposes.
- **Environmental Protection Agency -- \$2,300,000**
Cleanup of Superfund site for Boomsnub BOC Gases Corporation, a chrome-plating plant.

- **Environmental Protection Agency -- \$3,000,000 (an additional \$5,000,000 expected)**
Cleanup of Superfund site for Frontier Hard Chrome. Discharge of toxic wastewater into a dry well.

- **Section 8 Funds – 1113 subsidized units for a total of \$543,144**

These funds come from the US Department of Housing and Urban Development (HUD). HUD contracts with the Vancouver Housing Authority to operate the program and provide the funds. The Vancouver Housing Authority is reimbursed for the housing assistance paid to landlords plus an administrative fee of about 9%.

- **First Time Home Buyer's Program -- 122 subsidized home loans for an approximate total of \$2,421,700**

To date this program has received \$6.1 million dollars in direct funding to make these loans countywide.

The funds come from a variety of public funded grants including the following: City CDBG Funds, Clark County CDBG Funds, Clark County HOME Funds, and Washington State Housing Trust Funds. All funded grants are awarded through a competitive grant process. These funds have leveraged approximately \$28 million in private dollars into the community through 1st mortgage loans, buyer and seller participation in the loan through closing costs and seller concessions through the purchase and sale agreement process. The program average for a "silent second mortgage" is \$20,053 with the average 1st with the average 1st mortgage loan amount at \$84,283.

- **C-TRAN Mass Transit – \$3,030,000 yearly**

C-TRAN receives an annual allocation from the Federal Transit Authority (FTA) which varies from year to year. C-TRAN is currently using about \$3 million per year for reimbursement of maintenance expenses. In addition, about \$30,000 per year is designated as "transit enhancement" funds and is intended to improve things like shelters, enhanced ADA access, etc. Both these amounts require 20% local matching funds.

- **Washington State Department of Transportation -- State and Federal Funds, \$65,419,000**

- I-5 Corridor Improvements, NE 78th Street in Hazel Dell to Burnt Bridge Creek in Vancouver**

The environmental measures used in this project include: Installation of silt fencing as general protection anywhere earthwork is taking place; Installation of straw bale barriers to prevent sediment from flowing in ditches or other areas where runoff was more concentrated; Installation of sediment traps on catch basins to protect the storm sewer system from sediment. Placement of straw, matting and seeding to protect large slopes from eroding; Construction of two ponds to prevent pollutants from entering Burnt Bridge Creek near Leverich Park.

Last year, the Washington State Department of Transportation was conducting a study in regard to improvements to the Interstate 5 corridor, focused mainly on the Interstate 5 bridge between Washington and Oregon. The Governors of both states appointed a special bi-state commission to study the traffic in order to develop a 20-year plan to implement traffic improvements, including the potential design of a new bridge and/or light rail service over the bridge to connect Portland to Vancouver. The studies conducted by this bi-state task force were extensive as well as expensive, and in the end, the bi-state commission submitted its findings to both Governors. During this study, the Rosemere Neighborhood Association noticed a front page article in the Clark County Section of the Columbian, our local newspaper, entitled "In the Way on K." This article announced the Washington State Dept. of Education's intention to widen I-5 in order to make more room on the I-5 bridge and govern the increase of traffic over the bridge into Portland. Preliminary designs had been submitted by the Washington State Dept. of Transportation that clearly showed the removal of all the houses on the west side of "K" street in the Rosemere Neighborhood, as well as identified houses in Shumway -- these houses all about the I-5 corridor near the State Route 500 interchange.

Residents of the Rosemere Neighborhood first learned of these intended improvements in the newspaper. The Association began receiving calls from frightened homeowners along "K" street who were worried about losing their homes. One particular house owned by the Card family had been relocated to "K" street after the last I-5 widening project, and here it was in jeopardy a second time. The Washington State Dept. of Transportation did not inform the Rosemere Neighborhood or any other affected neighborhood in regard to these intended improvements, nor did the department contact any of the individual homeowners. It simply became public information without

anyone's prior knowledge. As a result of this article, a certain number of real estate transactions that were in progress along "K" street were interrupted. Potential sales were lost. Immediately upon the release of the article, property values along both sides of "K" street declined and the owners became bound by full disclosure laws. They now had to explain to any potential buyer that the houses on "K" street were in danger of being removed due to the I-5 project. Those houses that would be left on the East side of "K" street would then have the I-5 edifice directly in their front yards, a solid wall of cement, which would, of course, directly affect their property values. One of the hidden issues surrounding the I-5 improvements is the implementation of Light Rail. The city of Vancouver and Clark County have already made plans for light rail to come across the I-5 bridge through Downtown Vancouver, and it would come right through the Rosemere Neighborhood on its way North, and then East along Fourth Plain Blvd. The TOD project is the beginning of the zoning practices that make room for high density development along the future route of the light rail system. The upkeep of the light rail system, which many in Vancouver think we cannot afford, will become the burden of the property taxpayers. As previously noted, the taxpayers along the Fourth Plain corridor are highly concentrated with poverty and low income and cannot afford to be burdened with an expensive light rail tax.

The Rosemere Neighborhood Association became very active in the bi-state task force and aired its concerns over the loss of houses on "K" street. Representatives from Shumway did as well. Rosemere demanded that the designs be changed immediately to avoid the demolition of homes, and complained about the lack of communication in the process. However, the damage to the property values had already been done. The Washington State Dept. of Transportation did present different designs to avoid the removal of homes later in the process, but there were no guarantees given that houses would not be destroyed. Furthermore, additional plans suggested the need to alter Fourth Plain access to I-5 and SR-500, both of which would adversely affect the residents of Rosemere since our neighborhood abuts this entire study area. One resident on "K" street, Dave Skagen, still has a sign displayed in his yard that reads "WADOT, You will not destroy our homes!" This 8'x6' sign has been on display for about a year.

After reviewing booklets provided by the Washington State Department of Transportation, "Residential Relocation Assistance Program," and "Transportation Property Needs and You," it is clear that neither the Washington State Department of Transportation nor the I-5 Trade Partnership addressed the required steps contained within the booklets in regard to the possible demolition of 'K' street houses. Instead, a general overview of the information within the booklets was obtained by the Rosemere Neighborhood Association by calling a state ombudsman only after the damage had been done by the Columbian newspaper. Neither the homeowners nor the neighborhood association were advised of their rights regarding the purchase of their properties by the state or the process of relocation -- the association sought the information on its own. The reasons for this are historically clear. The overall opinion of Rosemere is that it is a second-rate, undesirable, low-income, crime ridden, racial minority neighborhood, and that no one would really care if it got demolished. It is a common opinion that Rosemere should be wiped clean, and this attitude must be stopped.

Nobody from the I-5 partnership or the WADOT interviewed the residents of Rosemere, nor did they send engineers to survey the area, nor were materials sent by mail to residents or flyers provided, nor was anyone advised of the process for eminent domain or relocation. The RNA became the emergency conduit to quell the fears that arose immediately, and all information on these processes was obtained solely because the RNA began to investigate.

The rules of engagement under the process of eminent domain were not followed in the least. It was sloppy and irresponsible to publish the information regarding the improvements, and the homeowners of Rosemere paid the price financially. The I-5 plans were only in the preliminary conceptual phases, and it was not even decided that Rosemere properties were going to be attached. The Mayors of both Portland and Vancouver stated they would try to avoid demolition, but even that is not in writing from what the RNA can tell. Nonetheless, the I-5 proceedings were televised and widely reported, and the potential for demolition was common knowledge, as was the vehement opposition by the RNA and its constituents.

The 20-year I-5 improvement plan has not been approved, and it may not be approved for some time due to various controversial issues such as light rail and the rebuilding of the I-5 bridge. Nonetheless, Rosemere is still stuck with the aftermath and the uncertainty, which is reckless to the economy of an already adversely impacted area. Again, these problems are typical for Rosemere. Other bodies begin to make decisions about our future without due process, as if we are some sort of unwanted stepchild. We are often overlooked and forgotten, our rights abused. Rosemere is a vital community that is affordable to the low-income and minority populations. Why should we continually be assaulted simply because public opinion identifies us as a nuisance that should be extracted?

Please note: The issues raised by the proposed I-5 improvement projects have been culled out of the general body of this research, and have been submitted as a second Title VI and Environmental Justice Complaint to the Washington State Department of Transportation. This second complaint will stand on its own as a second request for a federal investigation into the practices of the I-5 Trade Partnership and the Washington State Department of Transportation. This second Title VI alleges that Rosemere has suffered adverse impacts due to the discriminatory practices of the aforementioned bodies actively involved in the future plans for I-5 modifications.

- **Transportation Improvement Funds**

There have been a variety of street improvements made to the Fourth Plain Blvd, including the rebuild of intersections, paving, and traffic flow alteration. There have also been a number of improvements to SR-500, especially overpasses built at Thurston Way, and Andresen, which are in the TOD. Various CDBG funds have been allocated to sidewalk and ramp projects throughout the corridor.

SECTION II - ROSEMERE

Case Study in Rosemere Neighborhood – the Winkleman Apartment Complex Project AU974357/PSR2002-0039

The entire study of the TOD neighborhoods was prompted by the public outcry resulted from the development of the Winkleman Apartment Complex. The Rosemere Neighborhood Association received many calls and letters from residents who are vehemently opposed to the development of this complex and the letters will become part of the record on file with the Planning Commission. The proposed complex is designed for a vacant lot situated between a single family home and a duplex.

The proposed Winkleman Apartment Complex (10 units), to be developed at 2614 'O' street, has been granted preliminary building approval by the City of Vancouver's Development Review Services (DRS). According to Patti McEllrath, Associate Planner & Case Manager, DRS must grant every permit application if it meets all specifications as required by the Vancouver Municipal Code. The Winkleman project has been granted preliminary site plan approval with 28 conditions.

The Winkleman Apartment Complex may be privately funded with income from federal tax credit investments, up to 40% of the construction costs. Developers often seek such investment income to fund the construction of low income housing units, but this information is not available to the general public. Such investment income is used to buffer the developer's financial risk in low income projects. Since the proposed complex is being built in a neighborhood with low income, poverty and minority populations, it is reasonable to believe that such a complex will be managed as a low-income property using such funding. This would then directly tie federal funds to the apartment complex for the purposes of a federal investigation.

The RNA, representing its membership, submitted petitions & letters to DRS stating objections to the building of this complex. All petitions & letters were included in the official findings during the permit process, and are included in the Staff Report & Decision from the City of Vancouver. The RNA, by majority vote at the October 2002 general meeting, decided to pursue an appeal for this building permit. The RNA also voted to spend the \$75 to file the appeal to a hearings examiner. Various officials & community representatives that were questioned

about this permit stated that quality of life issues (such as adjacent property values) & emotional appeals from neighbors (including petition signatures) are not applicable to the decision to grant or deny the permit since they do not pertain to the level of the law.

The Decision, as published by the City of Vancouver reads: "The proposed development is permitted outright. Based upon the findings & conclusions herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval, and no significant adverse impacts have been identified. Staff concludes that the request will not be significantly detrimental to the health, safety, or general welfare of the residents or land within the neighborhood or the City and hereby grants preliminary site plan approval with conditions as noted..." The RNA vehemently refutes this statement, and based on the demographic data included in this report, it is clear that the building of this apartment complex will only increase the significant burden already being carried by the low-income and racial minority populations of west Vancouver. A study of the negative impact that apartment complexes have on the Rosemere Neighborhood is included in the next section of this document.

The Staff Report and Decision to Permit the Winkleman Apartment Complex

Section I-B of the Winkleman Staff Report – Background, Land Use and History

Prior to December 1981, this site was zoned r-4, Multi-Family Residential. Due to inadequate water supply, inadequate sewer availability and substandard streets (no curbs or sidewalks) this site was temporarily re-zoned R1-5, Low Density Residential in December 1981. This "transition area," authorized by the Vancouver Municipal Code, chapter 20.95 allowed development at a lower density than contemplated by the Comprehensive Plan, in order to restrict development until certain improvements could be made.

In March of 1998, M-272 was adopted eliminating the "transition areas" established in 1981. The transition area located from Interstate 5 to St. Johns Blvd., and from Fourth Plain Blvd. north to the City Limits, within the Rosemere Neighborhood, was rezoned back to high density residential and neighborhood commercial. This particular parcel was changed from R1-5 to R-4. Today, the site is zoned R-30, which is equivalent to the R-4 designation of 1988.

Rebuttal of Section I-B of the Winkleman Staff Report -- Background, Land Use and History

The history of the Winkleman parcel is not presented accurately by the city Development Review Services. This section will show a more complete picture of the history, especially how zoning changes have adversely, and disproportionately affected the Rosemere neighborhood.

Rosemere is one of the oldest neighborhoods in Vancouver, and it has a history that is tied to Officer's Row at Fort Vancouver. According to a Chicago Title Insurance Search, 607 of the homes in Rosemere are 75 years old or older, many of the homes having been built just after the turn of the 20th century. Rosemere was home to the support staff of the Fort, and several of the buildings were actually picked up and moved from the Fort to the Rosemere Neighborhood where they now serve as homes. During World War II, the neighborhood was rapidly developed to serve as quarters for the thousands of Kaiser Shipyard Workers as well as workers for many other industrial facilities. Historically, the neighborhood has repeatedly been affected by a heavy transient population that comes and goes depending on the availability of work.

The concern over the substandard elements of design within the Rosemere Neighborhood goes back 36 years to a Neighborhood Analysis conducted by the City of Vancouver in August of 1967. Rosemere was known as the Washington Neighborhood back then. This report was studied by the City Council and the Planning Commission of that time. This field analysis was a report completed by Dr. Mihail W. Dumbeliuk-Czernowicky of Eleusis Research, and the report was accomplished by the City Planning Department. Following will be a number of statements quoted from the actual report – these statements correlate with the present day conditions within the Rosemere Neighborhood. The original headings of the sections within the report are included, and statements of note that lend emphasis to present day issues are highlighted in bold.

The purpose of including this old report is to show that City Council was well aware of the issues that would trouble Rosemere and other neighborhoods, and City Council was also warned that greater perils would befall the neighborhood if the city did not take action. In 1967, Rosemere was not a racial minority neighborhood, but the city was warned that inaction could very easily create a ghetto. Presently, Rosemere, and six other neighborhoods in the TOD do qualify as racial minority neighborhoods. Rosemere does suffer from urban blight, and this disease is indeed brought on by the Comprehensive Plan and the zoning methodologies that are governed by the plan.

The residents of Rosemere, some of them still living here since the time this report was created, are frustrated with the lack of city service and the deterioration of the neighborhood. Code enforcement is still dealing with substandard construction issues and buildings that are in disrepair. The majority of the residents here are renters with a transient nature, and the neighborhood has the feel of a social service agency with a bounty of transitional housing facilities being established in the TOD bringing even more people in crisis to an already burdened area. With the rise of social service facilities in Rosemere, the crime rate in the neighborhood increased 30% in only six months from 2001 to the first half of 2002. At the neighborhood Elementary School, 96.3% of the children were receiving free or reduced lunches due to poverty levels. The safety and livability of the neighborhood is still a very large question, and above all, many who fight for this neighborhood feel that their voices are not being heard.

Taken from the Neighborhood Analysis Report of 1967

1) Study Area Number 5: Washington

“This area, which is also referred to as **Rosemere**, is an area of older homes, many of them minute. **It is an area in which it has been estimated that some forty percent of the inhabitants are renters, eaking out Social Security pensions, welfare checks and similar eleemosynary sources of income.** The housing is not uniformly substandard; indeed the southwest portion of the study area is almost agreeable, and throughout the are, cheek-by-jowl with irredeemable hovels, new structures are to be found, some of which are up to middle class tract standards. Two or three of the older houses are large, and, in face of everything, have been kept with care and an evident affection which is rare in this study area.”

2) Population Characteristics

“The respondent’s comments on horizontal and vertical mobility and migration were interesting. **Of vertical mobility there appear to be none; of horizontal mobility there are those who move fruitlessly around the area in search of a better rental.** Out-migrations are usually the consequence of mass hiring by Boeing, and the in-migrations occur when the gold rush has subsided and the voyagers return to home base. **The indications of cyclical good times and bad times are clear. No wonder then that this is an area in which many, feeling themselves to hold second class passports, are insecure, angry and alienated.**”

3) Community Facilities

“The appended maps indicate the houses, which, in this observer’s opinion, fall within the **“redevelopment” category**, but these are the more obvious cases and there are at least twice as many which are borderline cases.”

4) Non-Residential Structures

“St. John’s Blvd. is a commercial strip zone, but hardly a dynamic one. **Perhaps the most extreme cases of commercial blight are to be found at the south end...**the only other prosperous non-residential structures are the churches, which is customary in such neighborhoods...”

5) Transportation

“The Vancouver bus service runs buses though this area, but not on Sunday, which is a vexation to the churhgoers. Indeed, the car barn of the bus system, an undistinguished structure, is located in this area. One speculates whether the limpness of the service rendered is mirrored in the condition of the bus system’s premises or whether, conditioned by the accommodations, the service is bereft of enthusiasm.”

6) Blight

“This area is prime renewal for an Urban Renewal program. This is not an area in which patching and the application of bandaids will continue to suffice and, as in Hough, there is much work to be done to arrest the decline of the neighborhood.”

7) Comments

“Apathy in urban life is not peculiar to Vancouver but apathy laced with incertitude and the search for a community role is more disquieting.”

8) Conclusions

1. **“The Uniform Building Code is intended for new structures, but as is to be expected, the structures relative to blight or potential blight are old and irrelevant to the intention of the code. This is of special concern in the cases of nursing homes and older dwelling units which abut the Hough and Washington neighborhoods.”**
2. **“In an attractive area the lack of sidewalks, curbs and even paved roadway is not too disastrous, but when these omissions are found in an area where yards are neglected and houses dilapidated they add to the sense of neglect by the city and of potential if not actual blight. Examples of this are not hard to find, particularly in Hough, Fruit Valley and Washington.”**
3. **“Inappropriate land use is another problem in and for the City of Vancouver. An illustration of such usage is the Home Addition south of River Road in the Fruit Valley neighborhood. Here a sub-neighborhood of ancient dwelling units, many of them inadequately constructed and the majority in decay, are juxtaposed with an area devoted to heavy industry.”**
4. “Public transportation, especially for the senior citizens on reduced incomes, is a real problem. On Sundays there are no buses at all. These persons, then, are forced to buy a car even when this is inconsistent with the capacity of their budgets. In consequence, **fewer and fewer people ride the buses, and the bus company, deprived of its revenue, further curtails its services.** Clearly, the special needs of the elderly and the low income groups are not currently being met.”
5. **“On the plus side, there is the extremely interesting fact that the “non-white” persons residing within the City of Vancouver have not sought mutual aid by the establishment of a ghetto, but have dispersed throughout the city. This is extremely important for the preservation for the well-being of the community can be likened to an insurance policy against the misfortunes and chaos which come of inner immigration and ghettos.”**
6. “In a non-randomized sampling of citizen opinion on social problems, the writer received comments on the problems of the aged, of whom there are an atypically high percentage in three of the neighborhoods (but surprisingly not including Fruit Valley), on juvenile delinquency, on unemployment and on the married families of the area. **The majority of the respondents stressed the need for “Action now!” and asked how they could effectively promote their concern and their ideas for problem solving. This willingness to become involved, this desire to participate in a program for the upgrading of the city is an encouraging factor and one which should not be permitted to remain untapped, not only to maintain morale, but also to achieve through collective wisdom and experience the best possible program for the city.”**
7. **“As is frequently the case, there is a disproportionately lower percentage of parks in the older, more densely populated portions of the city. Parks are especially needed for the children of low income families who, lacking the money, are less likely to spend vacations out of town.”**

Thirty-six years later, Rosemere is still underserved by the Urban Comprehensive Plan in regard to parks. There are two small parks in Rosemere: Leach Park (0.25 acres), and Washington School (2.0 acres). The RNA received a CDBG grant just this past year to renovate Leach Park, a park that has substandard and unsafe playground equipment and accessibility issues. With these two parks, Rosemere has a standard of only .045 acres per 1000 residents. The Urban Parks acquisition standard is 6 acres per 1000 residents. If Leverich park (14.25 acres), which borders the Rosemere Neighborhood, is added to these figures, the standard is raised to 3.3 acres per 1000 residents, but this is still not enough to reach the Urban Standard. The city’s park district counts Rosemere

as a member of Park District #1, the largest park district in the city, stretching across the most western part of the city. Park District #1 shows 223.8 acres or 7.7 acres per 1000 residents, which surpasses the Urban standard. However, as detailed in the analysis from 1967, it is highly unlikely that Rosemere residents would travel to parks outside the neighborhood. Rosemere, therefore, is underserved by the Comprehensive Plan in regard to parklands, and this fact is misrepresented in comparisons with other parklands in the district. Older established neighborhoods require more park space.

The study from 1967 touched on the issues of urban blight, decay, and poor upkeep of properties. Once a neighborhood degenerates, the telltale signs are yards that are unkempt and all manner of refuse strewn about the streets. For years, neighborhood leaders have struggled to put a stop to the tendency for people to use Rosemere as a common dumping ground. Rosemere made the news in the mid 1990's due to the incredible number of junked or stolen vehicles that were abandoned near the northern border of the neighborhood. The RNA still receives complaints from residents regarding large household items that have been dumped in the same area by the side of the road—mattresses, large household appliances, tires, chemicals, and loose bags of garbage. When code enforcement is notified about this recurring problem, the RNA is told that there is nothing that can be done to curtail the illegal dumping. Furthermore, there are a great many houses in the residents in the neighborhood that do not abide by code standards, and yards are filled with junk items, including furniture and auto parts, while grasses and hedges block the common right of way and infringe upon sight lines for intersections. With budgetary restraints, code enforcement has indicated that as a department, it will no longer be able to keep up with the enforcement needs, and will have to sort and prioritize in order to respond to only the more serious complaints.

In regard to redevelopment, a noteworthy issue arises when dealing with the renovation of buildings that may contain asbestos and lead. Many of the buildings that were erected in the 1970's contain asbestos in the ceiling tiles, floor tiles, and plumbing insulation, and lead may be in the paint or the plumbing for buildings built in the 1940's. As indicated by the Chicago Title company report, there are hundreds of such structures in the Rosemere Neighborhood. Despite this fact, renovation permits do not require the local authorities on asbestos or lead abatement to conduct an on-site inspection to determine the need for certified abatement procedures for these toxic substances. The city's Development Review Services does not make it a common practice to inform the SW Washington Health District or the Air Quality Control agency when applications are received for renovations of suspect buildings. The only way the authorities are aware of the potential for concern is if and when someone gives the agencies a "tip." Furthermore, there is no requirement for the local authorities to publicize a warning when toxic substances are present, or even when abatement procedures are underway. The local school, Washington Elementary, is being rebuilt this year. In the fall of 2003, the old building will be razed, and it does contain asbestos that is to be removed by a certified asbestos abatement contractor. The Vancouver Public School Superintendent's Office that is responsible for the abatement process has stated directly to the RNA in a public meeting that soil samples have been taken around the old school structure and it has been determined that there is no contamination of the soil. Such soil sample tests are required when a building that contains asbestos is to be razed. The RNA has asked for copies of the soil sample tests, both in writing and by phone, and the superintendent in charge of construction and the construction site coordinator have both failed to provide the test results, and have failed to return repeated phonecalls and emails asking for this specific information. This has been going on for over a month.

The rezoning of the Winkleman Parcel

In March of 1988, the City Council approved Ordinance number M-2752, to amend the zoning of Rosemere, Shumway, Lewis, McLoughlin, and Harney Heights neighborhoods. This ordinance removed the "transitional" low-density area and replaced it with higher density zoning. This section of Rosemere, where the Winkleman property now exists, was rezoned for mixed use, or high urban density. The rezoning of the surrounding area allowed for the development of a great many duplexes in the Rosemere Neighborhood. These duplexes were crammed in between existing homes, and residents voiced vehement objections to City Council, but the objections were not heeded. Following are statements from the actual ordinance as it was adopted:

“WHEREAS, Ch. 20.95 provided that such transition areas would be rezoned to conform to the Comprehensive Plan therefor only after certain described public improvements had been accomplished or certain other problems mitigated, and...”

“WHEREAS, Staff and Planning Commission after public hearings now recommend (SR 87A88) that each such area be rezoned so that its zoning conforms with the Comprehensive Plan, and that public improvements should be programmed through the capital improvement budgeting process...”

The public improvements that were to be made prior to this change of zoning were to be the installation of sidewalks and curbs, sewer service, water supply and drainage. To date, there are still no sidewalks and curbs on ‘O’ street, as is the case on many streets throughout Rosemere, and sewer and drainage systems still need to be addressed throughout the neighborhood. Therefore, it is clear that the zoning was changed without the prerequisite completed improvements to the area, and as a result, Rosemere is at risk for urban blight due to the Comprehensive Plan. This is a terrible mistake on the part of the City Council, and it needs to be corrected. This point alone should cause the building permit for the Winkleman complex to be revoked.

Verbiage Taken from the Winkleman Staff Report, and the RNA’s Rebuttal to Each Item in the Report

Section II-A of the Winkleman Staff Report – Applicable Regulations, Comprehensive Plan

“This designation (Urban High Density) provides for the highest density housing in the urban area with a minimum of 23 units per gross acre. Bonus options will allow density increases. Minimum densities assure that areas build out to the density planned, guaranteeing that the Vancouver Urban Area accommodates anticipated residential needs. Areas with this designation shall be located in transit corridors and near commercial and employment centers to provide demand for commercial and transit services while providing easy access to employment...Staff has reviewed the application; the proposal meets the intent of the Comprehensive Plan.”

Rebuttal of Section II-A of the Winkleman Staff Report – Applicable Regulations, Comprehensive Plan

The TOD only exists in the low income and minority neighborhoods in the city. There are other major arterials that run through wealthier neighborhoods, but they do not have high-density zoning as the TOD neighborhoods do. The Comprehensive Plan does not mitigate adverse affects of high-density development on low income or racial minority neighborhoods.

Section II-B of the Winkleman Staff Report – Title 11 Streets and Sidewalks

“Due to increased vehicular and pedestrian traffic generated from this site and per VMC 11.90.020, 11.80.047, street frontage improvements along ‘O’ Street will be required. Improvements shall include: asphalt roadway, curb and gutter, planter strip, sidewalk, driveway approaches, American with Disabilities Act (ADA) ramps and street lights... The applicant requested a road modification to the minimum spacing of a driveway to an arterial street intersection. This request was based upon the drive location being shared with the property to the south... This development is utilizing the Transit Overlay District provisions of the zoning code to reduce parking requirements. By utilizing this provision, it is anticipated that this development will have a higher-than-normal dependency on transit. The nearest transit route is on Fourth Plain Blvd., approximately 100 feet south of the development. There are no existing sidewalks or pedestrian paths to and from Fourth Plain. The existing pavement is approximately 22 feet wide, which does not provide room for two-way vehicle traffic and pedestrians. Due to the increased pedestrian traffic generated from this site to and from Fourth Plain, an adequate and safe pedestrian path should be provided.”

Rebuttal of Section II-B of the Winkleman Staff Report – Title 11 Streets and Sidewalks

None of the required improvements for this complex exist anywhere else on ‘O’ street, in spite of the intention behind the previous “transitional area” zoning for this part of the TOD. Instead, the city has opted to entice future developers to install these improvements in a piecemeal fashion, rather than providing a complete disbursement of required improvements. The requested road modification was granted to the applicant by the city of Vancouver – typically, the required setback for a driveway from an arterial intersection is 115 feet for safety reasons. The city allowed for this complex to build the driveway only 100 feet from the intersection, forgiving the additional 15 feet.

Directly across the street from the proposed complex is Protective Security (PRJ2001-00529/PAC2001-00059), a grandfathered office building that has been in violation of various city codes for a number of years. Since city does not enforce code compliance for grandfathered buildings, Protective Security is not required to make the same improvements for curb, gutter, sidewalks, etc. The Planning Commission is aware of the conflict, but states nothing can be done. Interstate Security has no accountability to improve the safety of the street, despite the fact that pedestrian and auto traffic will be increasing at the intersection. Furthermore, on the south side of Fourth Plain Blvd., directly across from the 'O' street intersection, the Southwest Washington Health District will be constructing a new health care clinic, which will also add to the pedestrian and auto traffic at this location.

Title 11 requires all sidewalks to be ADA complaint. Only those complexes that are above 10 units are required to be ADA compliant – the Winkleman complex, though permitted to be up to 12 units, is only being proposed for 10 units. Thus ADA compliance is not required in the building, despite the fact that it will be two stories in height. It will be unlikely that the elderly or the handicapped will be in residence at the proposed complex. Enforcing ADA compliance for an incomplete section of sidewalk in front of a non-compliant complex does not make sense.

The intersection at Fourth Plain Blvd. and 'O' street is a dangerous blind corner due to the lack of improvements. Traffic off of Fourth Plain Blvd. often uses 'O' street as a cut-through to other parts of the neighborhood since it is the closest access to Interstate 5. This intersection needs to be redesigned to accommodate traffic safety, especially in light of the fact that a vast increase of cars will be parking on this street if the complex is permitted.

Section II-B of the Winkleman Staff Report – Title 11 Streets and Sidewalks, Section 1b, Concurrency

“The applicant has submitted a traffic analysis dated July 12, 2002, which includes trip generation, trip distribution and safety analysis for impacted intersections. As required, a traffic study to evaluate the impact of the proposed development onto the City’s intersections and the City’s concurrency corridors was submitted...The traffic study completed analysis of Fourth Plain Blvd. and 'O' Street and the site access. The analysis indicates that the trips from the proposed development onto the impacted intersection will meet the City Standards set by VMC 11.90 as indicated in Tables 5 and 6 of the study.”

Rebuttal of Section II-B of the Winkleman Staff Report – Title 11 Streets and Sidewalks, Section 1b, Concurrency

The Rosemere Neighborhood Association conducted its own traffic survey for the impacted intersection at Fourth Plain Blvd. and 'O' street. The results are listed in the chart below.

Chart #7
Traffic Study of 'O' Street Intersection performed by RNA
Data collected Wednesday, January 22, 2002

Time of Day	From 'O' Street Westbound onto Fourth Plain Blvd	From 'O' Street Eastbound onto Fourth Plain Blvd	From Fourth Plain Blvd Westbound onto 'O' Street	From Fourth Plain Blvd Eastbound onto 'O' Street	Totals
6:00-6:30am	8	2	4	1	15
6:30-7:00am	16	6	5	1	28
7:00-7:30am	18	13	8	6	45
7:30-8:00am	9	7	5	5	26
8:00-8:30am	8	8	4	3	23
8:30-9:00am	12	6	6	3	27

4:00-4:30pm	13	4	16	36	69
4:30-5:00pm	9	4	15	32	60
5:00-5:30pm	14	7	19	24	64
5:30-6:00pm	8	6	11	26	51
6:00-6:30pm	13	3	17	15	48
6:30-7:00pm	11	10	14	12	47
TOTALS	139	76	124	164	503

Traffic Study Performed by H. Lee and Associates

PM Peak Traffic on Various Days	From 'O' Street Westbound onto Fourth Plain Blvd	From 'O' Street Eastbound onto Fourth Plain Blvd	From Fourth Plain Blvd Westbound onto 'O' Street	From Fourth Plain Blvd Eastbound onto 'O' Street	Totals
Figure 4	27	14	32	40	113
Figure 5	28	15	33	42	118
Figure 7	29	16	35	44	124
Figure 8	34	18	40	51	143
Figure 9	35	19	42	53	149
TOTALS	153	82	182	230	647

Synopsis of Chart #7

- The traffic study performed by H. Lee and Associates shows the PM peak hour traffic volumes to be less than those recorded by the RNA for those trips accessing 'O' street from Fourth Plain Blvd heading eastbound. RNA figures are approximately 23% higher. This figure shows that the city analysis does not accurately represent cut-through traffic at this intersection.
- The H. Lee and Associates study does not account for the building of the Southwest Washington Health District clinic directly across Fourth Plain Blvd. from this intersection.

Additional Traffic Control Concerns

There is only one stop light within the boundaries of the Rosemere Neighborhood at the intersection of St. John's Blvd. and E. 33rd street. The remaining 5 stoplights are all on the borders of the neighborhood, all along the two cross-town thoroughfares, Fourth Plain Blvd. and State Route 500. St. John's Blvd. is an arterial street which connects State Route 500 with Fourth Plain Blvd. The traffic on St. John's Blvd. is very high for an arterial that runs right through the middle of a residential neighborhood. Much of the traffic is due to the presence of Clark College just beyond the Rosemere Neighborhood, as well as commuter traffic feeding back and forth from Downtown to the Minnehaha area. For more than two years, the RNA has stated the neighborhood's concerns for a much needed stop light at the intersection of St. John's Blvd. and Fort Vancouver Way. This intersection has been studied by traffic engineers, and it meets the required traffic volumes to warrant a controlled signal. At present, the intersection fails to comply with service standards for traffic that needs to turn against the flow of oncoming traffic. Residents have stated repeatedly that this intersection is dangerous and that someone is going to get killed there. The intersection is in need of traffic control devices, and it has been placed on the city's six-year plan, but there is no guarantee that the intersection will ever be funded for a traffic light. This intersection connects with the only other signaled intersection in the neighborhood, and sits on the connecting path between two of the most heavily traveled arterials in the city, yet it remains to be a substandard intersection. This type of problem is typical of the traffic dangers that

plague the higher density neighborhoods in the TOD. In fact, a city traffic engineer stated that this kind of intersection would never again be built within the city due to its poor design.

Section II-2c of the Winkleman Staff Report – Storm Sewer

“The project site is currently vacant. There is an existing catch basin in the shoulder of ‘O’ street on the east frontage of the project as well as one on the east side of the street. It is unclear as to where the catch basins drain to.”

Rebuttal to Section II-2c of the Winkleman Staff Report – Storm Sewer

Drainage has long been an issue throughout the neighborhood since the storm sewer system is incomplete. Standing water is commonplace. There has been insufficient study to determine if run-off from poor drainage has been polluting the water table through Burnt Bridge Creek which abuts Rosemere’s northern border. On the very first page of the Staff Report allowing the building permit to be issued for the Winkleman Complex, the City of Vancouver has indicated under “General Site Information” that the Drainage Basin for the Complex is Burnt Bridge Creek. The City of Vancouver clearly states that Burnt Bridge Creek is tied to the apartment complex. Federal funds have been identified that have been recently tied to Burnt Bridge Creek: the Interstate-5 improvement project last year provided for environmental safeguards to be installed in order to protect the creek from polluted runoff. The water table in various locations around Rosemere has been contaminated in the past, therefore it is possible that Burnt Bridge Creek is contaminated. We don't think it has been tested. Looking at the creek itself, there is a vast amount of refuse strewn about. Also, there are many septic tanks attached to low-income homes in the area even though we are in the city limits. Low-income families may not be able to afford, or even be aware of the need for regular septic service. Therefore, it is quite possible that the septic tanks are leaking directly into the water table connected to Burnt Bridge Creek.

Section II-3 of the Winkleman Staff Report – Fire Apparatus Access

“Fire department apparatus access is acceptable as submitted on the plan.”

Rebuttal to Section II-3 of the Winkleman Staff Report – Fire Apparatus Access

With street parking on both sides of this narrow street, fire department access may be restricted, which could cause conflicts with oncoming traffic from Fourth Plain Blvd. turning onto ‘O’ street via access of a blind intersection.

Section II-5b of the Winkleman Staff Report – Zoning, District Uses

“The proposal for a 10 unit multi family complex complies with the district in which it is proposed.”

Rebuttal to Section II-5b of the Winkleman Staff Report – Zoning, District Uses

The current zoning did not achieve the prerequisite improvements to sidewalk, curb and gutter as mitigated by the “transitional area” rezoning for minimal density from 1981. Furthermore, the RNA maintains that the incentives to develop within residential areas that are zoned R-30 are unfair in that it allows for multiple unit complexes to be built in and among pre-existing single family units.

Section II-5c of the Winkleman Staff Report – Parking and Loading

“Parking is required to be provided for multi-family dwellings at a ratio of 1.5 spaces per unit. For 10 units, 15 spaces would be the minimum allowed. This site is located within the boundaries of the Transit Overlay District, which allows a 25% reduction in the minimum parking requirements... The minimum parking required is 11 spaces.”

Rebuttal to Section II-5c of the Winkleman Staff Report – Parking and Loading

Information provided by Dr. Edgar York, Citizen's ADA Parking Patrol
ADA Compliance Issues

Spoken by Dr. York at the hearing to appeal the building permit for the Winkleman Complex (March 6, 2003, City Hall, before the Hearings Examiner):

"We (Citizen's ADA Parking Patrol) became interested in the Winkleman Apartment project because the plans as presented and approved by the City Planning Department did not address all the applicable ADA codes and requirements.

Initially, we were told the proposed project did not come under ADA because there were only 10 units. On page 4 of the Staff Report, included in the first STAFF RESPONSE paragraph, Staff reports that the Applicant will construct an ADA path connecting the property with the major arterial. This is a clear indication that both the Applicant and Staff recognize that ADA is involved.

We take issue with Staff's finding that the proposed project will not be detrimental to the health, safety, or general welfare of the residents. There is nothing in the documents that pertain to ADA requirements. Please note on page 2 of the Staff Report, in the third paragraph from the bottom of page entitled "Staff Response," that the applicant has provided assurance that "ALL CODE REQUIREMENTS have been met." This is not a true statement.

In projects with 10 or less units, a Type A (Accessible) unit is not required. This means that the Winkleman Apartments are exempt from having a Type A unit. 1103.1.8.1. states that in either Group B or A type dwellings, all public and common areas and facilities such as recreational facilities, laundry facilities, garbage and recycling collection areas, mailbox locations, lobbies, foyers and management offices SHALL be accessible. We find nothing in the application, site plans, or Staff references that indicate that this provision will be addressed.

Of significant concern is with the Accessible Parking WAC (Washington Administrative Code) 51.40.1107.1.1. The code states that if the project has 1 to 25 parking spaces, then the required minimum Accessible Spaces is 1. WAC 51.40.1107.1.5 states for every EIGHT Accessible parking stalls, one must be van accessible with a minimum 8 foot wide access stall. There is nothing in the submitted site plans that show the required Van Accessible stall. The length of said stall must be as long as the ADA parking stall. The building code states that the project must have at least an 18 foot long parking stall. This means that it would require a as a minimum 144 square feet of adjoining space.

From the site plans it appear that the unit would have six off-street parking stalls. In addition, there are 5 on-street spaces. We can find no authorization for street parking being restricted parking for any business. There is no documentation that the Transit Overlay District (TOD) can use one of its allowed Resident parking spaces as a non-restricted ADA stall. ADA stalls are available for any qualified DP plaque holder to use, and CAN NOT be reserved or restricted to certain automobiles. If the TOD code requires 11 parking stalls for apartment renters and visitors use, then we challenge the inclusion of the required ADA parking stall as one of the mandatory Applicant Stalls.

Since the ADA stall is not shown on the plot plan, it is impossible to know where the added ADA parking stall would be installed. If it was in one of the car port stalls, then the required ADA vertical height of 114" must be so designed. We do not know if the plans show this height.

We note that while the length of the proposed path from the Winkleman property to Fourth Plain will be 100 feet long, there is nothing to guarantee it meets ADA requirements as to width, surface and grade. It is also noted that the connection place of the proposed off property path and the sidewalk on 'O' street is not confirmed. If it does meet at the sidewalk, then the total length of the path would be 235.71 feet in total. This creates a problem for many disabled persons that hasn't been addressed by either the applicant or staff.

It is our recommendation that until the above mentioned issues are corrected and the site complies with ALL ADA current laws, the Application to build the Winkleman Apartment Complex must be denied."

Further Rebuttal to Section II-5c of the Winkleman Staff Report – Parking and Loading

Aside from the ADA requirements, the other reason why the complex is proposed as only 10 units instead of 12 units is because of the parking requirements. Parking is a large issue with this proposed complex. The developer could only find room for 11 parking stalls in the design of the building (1.5 parking stalls are required for each unit in the complex). At 12 units, the developer would have had to provide 13 to 14 parking stalls, and the design would have to be altered dramatically. There simply isn't enough room in the plot of land to provide for that much parking without building up, which would increase the building costs substantially. Furthermore, the city allows for 5 of the required parking stalls to be located curbside in front of the property. This sort of private parking allowance is not available to any other kind of residence. There is no allocation for visitor's parking. All overflow parking will end up crowding the intersection on both sides of the street, as well as in the yards of adjacent property owners since there is no curb or sidewalk.

The allowed 25% reduction in required parking stalls, per the TOD zoning, does not provide for any form of code enforcement should any of the complex's residents seek to park more than one car per unit. The TOD "assumes" that the residents of the complex will have a higher than normal dependency on mass transit, yet there is no way to make sure that residents are using this service. Again, all overflow will end up on adjacent properties. This is by far one of the most problematic elements of the complex's design – neighbors have voiced their opposition to the parking requirements, and their letters are submitted to the Planning Commission for review.

Section II-5d of the Winkleman Staff Report – Landscape and Open Storage

"Open storage is allowed provided it is screened by a six foot sight obscuring fence or hedge. The plans indicate the garbage and recycle area will be enclosed with a six foot gate...It is recommended that the garbage/recycle area be moved away from the west fence which borders the cemetery to avoid unauthorized access over the fence to the cemetery."

Rebuttal to Section II-5d of the Winkleman Staff Report – Landscape and Open Storage

According to the city's waste management services, the 6 foot by 10 foot garbage and recycling enclosure shown on the revised plans is large enough to accommodate a 4 foot by 7 foot garbage dumpster, but not the three 3 foot by 3 foot recycling roll carts.

Access for the garbage truck is down a 110-foot driveway with the dumpster area at the rear of the property. A Waste Management operations staff supervisor who visited the site thought that the truck would go in forward, then back out to the north. His main concern was on-street parking across the street; it would make more difficult to back out if there are cars parked across the street from the apartment driveway. A few years ago, a Waste Management truck ran over and crushed a seven year-old girl to death. There is a tremendously dangerous safety issue with a garbage truck backing in or out of a 110-foot driveway where children will be at play. Furthermore, the placement of the garbage dumpster at the rear end of the building would be another cause for safety concern. The dumpster area would be hidden from view, tucked into a corner behind a parking stall, all surrounded by screening. This would be a prime location for a rape to occur, especially since there are known level II and level III sex offenders living in the surrounding vicinity. The garbage area should be relocated as a matter of public safety, and Development Review recommends that the dumpster area be moved in order to prevent unauthorized access over the back fence to the adjacent cemetery.

Section II-6 of the Winkleman Staff Report – Title 21 State Environmental Policy Act

"This project has been determined to be categorically exempt."

Rebuttal to Section II-6 of the Winkleman Staff Report – Title 21 State Environmental Policy Act

All apartment complexes with less than 20 units are exempt from SEPA regulations. Without applying to the national level, or NEPA through a Title VI complaint, the negative impacts on the low-income and racial minority populations would not be identified.

Section III of the Winkleman Staff Report – Decision

“The proposed development is permitted outright. Based upon the findings and conclusions herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval, and no significant adverse impacts have been identified. Staff concludes that the request will not be significantly detrimental to the health, safety, or general welfare of the residents or land within the neighborhood or the City and hereby grants preliminary site plan approval with conditions...”

Rebuttal to Section III of the Winkleman Staff Report – Decision

The Rosemere Neighborhood Association has successfully identified a number of factors that point to significant adverse impacts to the neighborhood with the permit of this apartment complex, and the association hereby objects to the staff decision and requests a Federal investigation into this Title VI and Environmental Justice Complaint. The “conditions” herein mentioned do not mitigate adverse impacts to low-income or racial minority populations, and therefore, the permit of this building is cause for the city’s engagement in racial discrimination in its exercise of power to protect neighborhoods from adverse environmental effects. The RNA alleges and offers proof of evidence that the city departed from its normal substantive standards requiring it to protect and improve each neighborhood of the city so as to be a desirable and attractive neighborhood. The city departed from the substantive standards in its zoning ordinances requiring the protection of residential neighborhoods from the adverse effects of industrial contamination. The city also failed to apply to Rosemere its own policy requiring the application of a comprehensive strategy of housing improvement and neighborhood development to achieve neighborhood stability, as it has done in other neighborhoods throughout the city.

A Study of How Apartment Complexes in the Rosemere Neighborhood Use Emergency Services

While studying the overall effects the proposed 'O' St apartment complex would have on Rosemere, the RNA gathered information from Vancouver Fire Department, Emergency Medical Services, & Vancouver Police Department. The RNA identified 18 apartment complexes in Rosemere, and studied incident responses from each department to each of the complexes in order to identify the level of service used over the course of one year. Using the tallies, the RNA then asked each department to figure an average cost per incident -- this is something that has never been done before in the city's cost accounting. The result of the study shows that the city’s management of emergency services as a result of high urban density development does not achieve the “proper balance in use from a cost-revenue point of view” as mandated by the Urban Comprehensive Plan.

Jan Bader, assistant to the City Manager, wrote "Your question about what it costs to dispatch police on a call apparently triggered some thinking by our Police Department and Performance Analyst." The Vancouver Police Department roughly estimates an average cost for a police call is "\$213, based on 2001 staffing & call volume for 'simple' calls without investigators, special teams or significant time on the case." And "calls with multiple units or special operations are not included in this average cost."

According to Vancouver Police Department crime analysis figures for 2001, the frequency of incidents of crime is 53% higher in Rosemere than the average in all Clark County Neighborhoods. There are many neighborhoods that have a higher crime rate than Rosemere. These crime statistics reflect the following crimes among others: assault, burglary, domestic violence, rape, drugs, forgery, harassment, & malicious mischief. The incidents of crime statistics for Rosemere (taken from the Vancouver Police website) show 1103 incidents of crime in 2001 over all. CRESA, the regional 911 center, documents 644 dispatches of police during the course of one year to these same 18 apartment complexes listed. Comparing these figures, this indicates that 58% of the crime incidents that occurred in Rosemere over the past year may be linked to the 18 apartment complexes studied.

Dennis Walker, Deputy Fire Chief, figured cost estimates of Fire & EMS dispatch by applying averages from [VPD] payroll, vehicle rates from the Washington Association of Fire Chiefs published rate schedule, and on-scene-time averages from [VPD]business-plan research. A typical EMS call involves one engine company, including a captain, firefighter paramedic, & firefighter for 1 hour, or \$195. A typical fire call involves three engine companies, one truck company, & one battalion chief for 1 hour, or \$959. Staffing, then, would be one battalion chief, four captains, four paramedics, & five firefighters. The average time of one hour includes response,

on-scene, return, equipment maintenance, & report writing. Surprisingly, the average for fires is within two minutes of that for EMS."

There are 19 active section-8 apartment units currently within the 18 apartment complexes included in this study. David Overbay of the Vancouver Housing Authority writes, "The average subsidy paid for a [section 8] voucher holder was \$448 in December. There is a 'cap' of a sort on each bedroom size an individual or family qualifies for. The VHA sets a payment standard for each bedroom size; the subsidy is the payment standard minus 30% of the family's monthly income." Inhabitants of section-8 housing have been known to participate in drug-related & other illegal activities.

CITY EMERGENCY SERVICES TO APARTMENTS IN ROSEMERE OVER ONE YEAR 2001-2002

Address	Fire	EMS	Police	Section 8
1712 E 4th Plain		6	36	
1806 E 4th Plain	1	3	54	1
1818 E 4th Plain	2	4	36	
2008 E 4th Plain	1	2	24	
2010 E 4th Plain	1	2	58	2
2209 E 30 th	1		28	
2214 E 30 th	1	4	46	1
2600 T St.	5	20	68	8
2610 R St.	2	7	52	2
2615 O St.		3	32	
3415 R St.		2	27	3
2611-2627 E 27 th			10	
2211 E 30 th			15	
2605 T St.			8	1
1110-1112 E 37 th			5	
3005 St. Johns		3	50	
2008 St. Johns		2	59	
1512 E 4th Plain			36	1
Total Calls	7	58	644	19
Rough Estimates for Cost of Calls to Apartments in Rosemere for one year.	\$6,713	\$11,310	\$137,172	\$102,144
Grand Total of Estimated Costs Paid by Taxpayers to these 18 Complexes in one year:				\$257,339*

*These cost estimates are tallied by merely one hour per incident, & do not include multiple engines or patrol cars, lengthy calls, investigative costs, or special operations such as Drug Task Force, which will substantially add to the overall taxpayer costs generated by the apartments in this study. The total figure merely represents a baseline estimate; the actual figure would be much higher.

Requested Remedies

In light of the evidence that the Rosemere Neighborhood has been adversely affected by the City's alleged discrimination, the Rosemere Neighborhood Association requests the following steps be taken to help mitigate the negative social and economic impacts caused by the TOD:

- 1) Revoke the permit for the Winkleman Apartment Complex

- 2) Revoke the city's Transit Overlay District (TOD) zoning ordinance in all neighborhoods.
- 3) Remove the R-30, high urban density zoning from residential areas where there are single family homes and replace the R-30 zones with lower densities. Limit R-30 zones to parcels with already existing apartment complexes.
- 4) Prevent further zoning overlays from compromising parking, density and setbacks with building incentives as displayed in the TOD.
- 5) Limit mixed use zoning to prevent businesses from being built in between single family homes.
- 6) Adopt ordinances to keep commercial or business properties up to the level of the current building codes.
- 7) Implement plans for the completion of sidewalks, curbs, gutters, drains and sewers in urban neighborhoods areas that do not have them.
- 8) Undertake an ecological study and check for pollutants in the water table surrounding Burnt Bridge Creek.
- 9) Improve traffic safety and traffic calming devices where needed.
- 10) Audit section 8 residents with mandatory drug testing, and cancel any vouchers for those who test positive for drugs.
- 11) Re-examine the Comprehensive Plan to develop alternative methods of rapid growth management, such as expanding the city limits, in order to prevent discrimination in the future.

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