

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

COMMITTEE FOR ALTERNATIVES
AT WESTLAKE

FILE NO. W-83-008

from an environmental determination
by the Director, Department of
Construction and Land use for the
Department of Community Development

Introduction

The appellants exercised their right to appeal pursuant to Section 25.04.200, Seattle Municipal Code.

Parties to the proceedings were: appellant by Victor Steinbrueck and Folke Nyberg; the Director of the Department of Construction and Land Use By Ellen Donovan, assistant city attorney.

This matter was heard before the Hearing Examiner on November 2 and 3, 1983.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. While the history of the Westlake area is long, the roots of the current appeal generally arise from the City's decision to possibly offer the City's Westlake properties for sale. Acquired over the last number of years the City proposed offering these properties to private parties for development generally in accord with a prospectus issued by the City. The City then prepared an Environmental Impact Statement. Two proposals received by the City from private development teams judged financially capable plus certain plans offered publicly as possible alternatives for the properties were the basis for an EIS. Committee for Alternatives at Westlake (CAW) filed an appeal in a timely fashion challenging the adequacy of the Environmental Impact Statement (EIS).

2. The Draft Environmental Impact Statement (DEIS) contains two somewhat contradictory descriptions of the proposal to be analyzed. In the introduction on Page i under Proposed Action, the following description is included: "The proposal is to sell the City's Westlake area properties to a private developer..." The proposal is alternatively defined under Description of the Proposal on Page 6 as: "The actions considered herein are whether the City of Seattle should sell the Westlake site to a private entity for redevelopment under City guidelines..."

3. The shadow diagrams included within the EIS are incomplete or misleading and the text does not aid the reader in understanding the shadow impacts. The shadow effects of the Rouse Tower extend considerably further north than indicated in the EIS. Although the effects of the longer shadows do not exacerbate the impacts on the Times Tower or McGraw Park, both listed Historic Places, they would appear to have a greater impact on other properties and city streets than is disclosed in the EIS.

The text and diagram fail to a greater degree when consideration is given to the width of the shadow cast on the Times Tower. The text of the DEIS indicates at Page 130 that the "Times Square Building is already in shadow from the Mayflower Hotel from about 9:30 a.m. until 3:00 p.m. during all seasons." The shadow cast by the Rouse Tower covers additionally one-third to one-half more of the historic structure (Exhibit 16) than is disclosed in the EIS. The only mitigation suggested is the elimination of the tower portion of the project which would eliminate the shadow impacts. No alternatives suggesting possible relocation or reduction in scale of the tower were offered save total elimination. Although a private proposal was the basis for the Rouse analysis, discussion of variations of that specific proposal would have aided the reader and decision maker in considering the options.

4. The property involved in the analysis is public property and the City Council could exercise complete control over it. The preparer of the document testified that it was unnecessary to inform the City Council of its powers over public property. The document does not make clear to the ordinary readers of the document the Council's ability to completely control the conditions of sale and development. The only significant time it is mentioned is in reference to hours of operation and evening access. Here the reader is informed that the City can negotiate these details. (Page 169 DEIS). The document is unclear as to whether the Council could similarly modify, negotiate and amend other details of the various private proposals. Could the City request a scaled down tower? a relocated tower? an alternative massing scheme?

5. The document's preparer indicated that because of the differences between the two main proposals and the alternatives referred to as the Steinbrueck/Nyberg Proposals an attempt was made to convert the alternatives into a more comparable form for comparison. The old inability to compare "apples and oranges" was cited as the reason for the inclusion of charts and a matrix. The effort did not meet with success. The matrix at Page 266 is unclear and the attempt to transform each of the alternatives into oranges (from apples and oranges) unfortunately worked a transmutation of apples into grade C oranges which still would not permit a fair comparison. The matrix includes land south of Pine in square footage but apparently excludes this in the cost figures. The costs of developing the alternatives (discussed below) are inaccurate to the extent they include questionable relocation costs, purchase requirements and development costs.

6. The matrix's inclusion of a row entitled "Achievement of Objectives" is without basis. Whether additional retail development or the development of a park would strengthen the retail core is conclusionary with little in the document to support such a conclusion.

7. The correctness of the numerical calculations of the open space is an entirely different matter from whether the meaning of the term "open space" is clearly conveyed. The EIS is entirely clear in qualifying that the space provided by the Rouse proposal will not be typical of a park and while various phrases may indicate that the space may "create a park-like atmosphere" the entire document in this regard accurately notifies the reader that the spaces will be enclosed, more confined and subject to some extent to private property rights.

8. The impression of open space for the Rouse proposal given in the EIS is that considerable open space will be available for public events such as assembly. Public assembly would presumably occur in the larger areas on the lower level and on the main level. The estimates of the "public space" include generally the larger expanses of floor space which would not be utilized for retail uses, corridors, and smaller odd spaces.

The main level is an open tiered arrangement falling off from the Pine Street elevation of approximately 111 ft. to the Fifth Avenue elevation of 104 ft. Steps rather than an inclined slope will accommodate the elevation differences. Additionally, the area can best be described as a triangular doughnut. A focal point for public assembly in such a configuration is not clearly defined. The effect of the four level atrium or open well combined with the stepdown levels could effectively diminish the cumulative square footage considerably.

9. The architectural diagrams make assessment of the spaces and their potential functions difficult to visualize. The step down arrangement necessitated by the difference in elevation between Pine, and Fourth and Fifth Avenues is not clear, nor is the way the doughnut would function for public assembly. Attractions on the lower level would only be viewed by those on upper levels by looking over whatever railing is constructed along the overlook area.

10. The data presented on current pedestrian uses can hardly be called representative--days just before Christmas and just after certainly would be atypical. Although this atypical sample may inflate the numbers of users, the winter months may well offset these values. The types of events which occur, the times, numbers of participants and whether they are planned or spontaneous is not well documented in the EIS. The assertion made by a Rouse representative that the public space in the Rouse proposal will be available to groups of any political persuasion is not contained within the EIS nor is any account given of the methods which would be necessary to secure such privileges.

11. The contention that economic factors were gratuitous information is without foundation. WAC 197-10-444 includes the elements of the environment which must be included within an EIS. WAC 197-10-446 permits expansion of those elements with the provision that they are elements of the environment for EIS purposes only. Those additional elements include economic issues which Seattle has chosen to include. (Section 25.04.150). Even if the economic analysis were unnecessary in this EIS any information contained within an EIS should still be accurate, helpful to a full and fair analysis, and clear for an average reader. The economic analysis and the charts and matrix accompanying the text, at Pages 264 to 294 describing the alternatives, do not clearly present information without reference to additional background material. The presentation by the City at the hearing showed the necessity of going outside the EIS to explain the derivation of some of the numbers and comparisons. Neither the text nor the charts are completely self evident. The figures include without careful discrimination costs associated with potential development south of Pine. A confusing footnote indicates those costs should be subtracted from or added to the respective proposals but further confuses dollars with square footage.

12. The cost figures for the development of a park at the Westlake site are based upon estimates for the development of a "first class" park at Westlake. They do not provide the reader a range of choices. The appellants indicated a figure of approximately \$45.00 per sq. ft., the costs of developing the Market Park, which is substantially lower than \$75.00 to \$80.00 per sq. ft. used in the EIS. The \$75.00 figure may not be incorrect but may unfairly inflate the costs of the alternative. A range such as this would have given the reader a better handle on potential options including ones considerably less costly. The costs for the relocation of utilities was questionably included in charts for some of the alternatives which substantially inflates the total cost of those

alternatives. These costs do not appear to be widely applicable to Park development. While the text indicated that costs could be less depending upon the depth of excavation the charts do not make this clear and actually serve to confuse this issue. Similarly, the inclusion of costs for the purchase of street rights appears at least debatable as the City may own a fair share of those street rights already, as part of its prior land acquisition. The City would not necessarily have to sell those as part of any of the Steinbrueck/Nyberg alternatives. Again, some of the street rights involved concern land south of Pine.

13. The EIS identifies various planning documents and draft planning documents. These documents contain numerous goals and policies which could be used to determine that any of the proposals found in the EIS were either compatible or incompatible with City planning objectives. The discussion in the EIS appears sufficient to alert the reader to these possibilities.

14. The discussion in the EIS of the Monorail Pylons sufficiently addresses issues regarding the safety of the proposed new alignment.

Conclusions

1. The determination of the City of Seattle that the EIS is adequate is entitled to substantial weight. (RCW 43.21C.090 (SEPA); Mentor v. Kitsap County, 22 Wn.App. 285, 289 (1978)). Under the criteria enunciated by the courts the standard for review is the "rule of reason", (Cheney v. Mountlake Terrace, 87 Wn.2d 338, 344 (1976)), which equates to a determination of "whether the environmental effects of the proposed action are disclosed, discussed, and substantiated by opinion and data." (Mentor, Ibid, at 289). Under this reading of SEPA the appellants have introduced sufficient evidence of ambiguity and error in the EIS to require remand to permit supplementation of the EIS. The old phrase "a picture is worth a thousand words" is applicable to this review because if the pictures, charts or matrix incorrectly summarize the text or inaccurately depict the costs, impacts or data the entire document is tainted. In addition, the text is confusing particularly in economic discussions and there was insufficient development of alternatives, including mitigation alternatives of the two primary projects.

2. The shadow diagrams and the text describing the impacts incorrectly summarize the shadow impacts. The shadows during certain times of the year will not only be substantially longer than depicted but will also be substantially wider, in fact shading well over one-half of the Landmark Times Square Building.

3. Like the shadow diagrams included in the EIS the matrix and charts "summarizing" the economic impacts of the various alternatives confusingly depict and incorrectly include a variety of costs not necessarily applicable to the alternatives--utility relocation and street right purchase. Some other costs listed included development of a park south of Pine Street. The costs of developing the Steinbrueck/Nyberg alternatives reflect only the high end of such development while the appellants submitted cost figures fifty percent lower. The Council should have had this type of information available in the EIS.

4. The architectural renderings of the Rouse proposal do not clearly allow evaluation of the amount of open space nor do they indicate how it will function. The terraced arrangement, the open central atrium and the division of the space over a strange configuration -- the triangular doughnut -- may effectively limit public assembly on the main level, the level which has the largest amount of square footage.

5. The current uses of the open space in the Westlake area are not adequately discussed nor is the method of providing for public assembly. The Council and the public need this information to assure that all persuasions of thought will be accommodated. The EIS does not provide this information.

6. The discrepancy between what the EIS is supposed to be evaluating and, therefore, what should be the basis of analysis may have led to some of the confusion. The EIS would appear to be the basis for deciding whether the Westlake properties owned by the City should be sold to a private development team or held and developed by the City as described at Page 6 of the EIS. As such the EIS favors the private proposals with substantially greater attention to detail than is given to the other alternatives. The EIS is the City's document of a proposed City action and not an evaluation of a private party's rather specific proposal. The EIS does not adequately demonstrate the range of alternatives nor the City's wide range of options for conditioning, imposing requirements and modifying various aspects of the private proposals.

7. The fact that lively debate occurred subsequent to the publication of the FEIS does not indicate that the debate was based on a full understanding of the various alternatives. Supplementation at those hearings was inevitable. To be open and frank the debate at those hearings had to be based on an adequate environmental record. If information was not contained within the document or the information contained was incorrect then neither the public nor the Council would be properly informed as to the options and alternatives. Since the information was both incomplete and inaccurate the public and the Council were not fully informed as to what could be done with the City's land. What conditions could the Council impose on the sale? What limiting conditions, covenants and stipulations, and what inclusive amenities and attributes could be attached to any agreement of sale, lease, etc.?

8. An EIS is intended to alert and guide the public and the decision makers. It "is the basis upon which the responsible agency and officials can make the balancing judgment mandated by SEPA between the benefits to be gained by the proposed "major action" and its impact upon the environment." (Juanita Bay Valley Community Association v. Kirkland, 9 Wn.App. 59, at 68 (1973)). As the appellants argued more should have been included in the mitigation discussion to provide alternatives -- different massing options, a shorter tower, a relocated tower, not necessarily an infinite range of possibilities but some which included at least variations on the major themes. The reading public had a right to know, fully, what types of conditions could be imposed upon the sale of the land. The document did not clearly disclose the Council's option to vary the particular projects.

9. While the question could easily be asked: Would the inclusion, clarification or more accurate comparison of any of these particular elements -- shadow detail; more information about current uses; economics; a different massing scheme; better analysis of the spaces in the projects -- have changed the decision maker's mind or led to a different conclusion? And answered: "maybe not." That is not the essential question. The City Council does not act in a vacuum. On such matters it takes public comment, comment presumably formulated after reading the EIS. It is not solely the Council's reading and understanding of the EIS but whether the public was adequately apprised of the alternatives available, the inevitable impacts and the Council's authority to impose conditions. The issue is whether the EIS prepared for this proposal gives sufficient information to allow the decision maker and the public which influences the decision making process the knowledge to fully compare and analyze the various possibilities. Based upon the above analysis the answer is no. Therefore, the matter is remanded to the lead agency for preparation of a supplement which provides the full

disclosure mandated under SEPA.

Decision

The appeal is granted and the matter is remanded back to the lead agency for the preparation of a supplement for the EIS.

Entered this 28th day of November, 1983.



Fred Kaufman
Hearing Examiner Pro Tempore

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

COMMITTEE FOR ALTERNATIVES
AT WESTLAKE

FILE NO. W-83-008
(Phase II)

from an environmental determination
by the Director, Department of
Construction and Land Use for the
Department of Community Development

Introduction

The appellants exercised their right of appeal pursuant to Section 25.04.200, Seattle Municipal Code.

Parties to the proceedings were: appellant by Victor Steinbrueck and Folke Nyberg; the Director of the Department of Construction and Land Use by Gordon F. Crandall, assistant city attorney and Melody McCutcheon, senior land use analyst.

This matter was heard before the Hearing Examiner on May 9, 1984.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Finding of Fact

1. The current appeal is a continuation of an original appeal filed by the Committee for Alternatives at Westlake (CAW) challenging the adequacy of an Environmental Impact Statement (EIS) issued by the City of Seattle regarding the potential disposition of its holdings at Westlake. The original appeal was granted and the matter was remanded back to the lead agency for preparation of a Supplemental EIS. It is that document, the SEIS, which is challenged during this phase of the appeal.

2. The SEIS consists of two parts, fashioned similarly to the original EIS, that is, it contains a Draft Supplemental EIS and a Final Supplemental EIS. The Draft Supplement acts to amend, modify and correct portions of the original EIS, while the Final Supplement further amends, modifies and corrects, as well as responds to comments and concerns raised by various parties in letters and public testimony.

3. The issues of this appeal were narrowed substantially at the prehearing conference. Those issues not challenged at the original proceedings were eliminated as not being within the scope of the remand and, therefore, presumably found adequate during the Phase I proceedings.

4. Two new issues which arose during the interval between the original EIS publication and the publication of the supplemental documents were raised by the appellants and permitted on appeal. These issues concerned the sufficiency of the discussion regarding the potential Metro Downtown Transit Mall/Tunnel and the potential construction of a park south of Pine St.

5. The remaining issues on this appeal concerned the descriptions of the size, function and nature of the spaces contained within the alternatives, the economic analysis and comparative economics, the characterization and relative rankings of the City's Westlake goals and the presentation of an adequate range of alternative schemes of development.

6. A proposed Transit Mall has been proposed by Metro and its preferred location appears to be somewhere in the vicinity of the City's Westlake site. The mall is mentioned in the EIS and

the EIS indicates that the facility can be accommodated by and or within the various alternatives discussed. The discussion is not elaborate but emphasizes that a separate and full EIS will need to be prepared for the separate facility. The City is not sponsoring the Mall, nor is it a specified part of the City's Westlake proposal.

7. The history of the Westlake site is clearly coupled with a park development. This history also clearly demonstrates that various studies incorporated some type of "urban renewal" for the Westlake site as far back as the 1950's. The history does not mandate one to the exclusion of the other, nor on the contrary does the history require a clear linkage of the two. This EIS is clearly intended to describe the consequences of various alternatives on the City's Westlake property north of Pine Street, both the street right-of-way and the adjacent developed parcels of property.

8. The remand required a clear analysis of the "spaces" found in the preferred alternative, the Rouse Proposal. It required a clear enunciation of the various spaces' relative sizes, shapes, accessibility and status as public, private, or possibly quasi-public/private spaces.

9. The supplemental documents have been prepared to aid in a decision regarding the disposition of the Westlake properties and not for the actual construction of any of the possible alternatives. The document does not provide fully scaled drawings capable of detailed architectural analysis. The text further indicates that the scale may be altered as a result of the reproduction process. (Page 37, FSEIS). While reproduction for publication modified the relative scale, the purpose of the remand was to assure that the reader was apprised of the nature of the spaces relative to size, shape and location. The current diagrams would appear to serve that purpose.

10. The new drawings, if they err as alleged by appellants, do so by undersizing the spaces, but do show that the spaces in some locations are relatively small, remote or oddly shaped. (Figures 2,3,4 and 5, FSEIS). The text further explains that some of the spaces due to characteristics of size, shape or location may serve only limited functions. (Finding 12, below).

11. A major contention in the original appeal and applicable to the current controversy is the difficulty in trying to quantify or qualify the nature of the spaces in the preferred alternatives, or for that matter the spaces in any alternative in which space would be enclosed or surrounded by a private development. For want of a better term since the phrase "public assembly space" met with resistance, the quality would be its "publicness."

12. The text (at pages 5 and continued on 15,16,17 and 18, DSEIS) describes the functions of various spaces within the preferred alternative. It further compares and contrasts, and raises the potential negative consequences of private control of the various spaces on various public functions vis-avis those functions and the existing spaces of the Westlake site, particularly in relationship to the possible perceptions of users to its 'openness' or 'publicness'. (Pages 3 and 4, DSEIS). Conclusions about either 'openness' or 'publicness' may be drawn by the reader.

13. The economic analysis is contained in a series of charts, which include costs and possible revenues of various factors for the different alternatives. Included are figures relating to sale or development, administration, business relocation and monorail relocation. These charts and the text describing the various costs are located at Pages 115 - 121. It should be noted that the economic analysis in the new documents is confined to comparing alternatives. The original economic data, unchallenged as to tax revenues and employment is contained within the original volumes.

14. The original appeal alleged errors regarding the inclusion and exclusion of certain costs for things such as utility relocation and for not providing a range for costs associated with park type developments in the alternatives' section. No similar allegations were raised during this appeal. A matrix containing both economic data and comparative analysis has been removed. The matrix which was found to be confusing and in error has been eliminated. It is superseded by the charts for economic factors and by written text which compares the various alternatives' fidelity to city goals and objectives, provisions of space, etc. The "simplifying" matrix was determined by the City to be too all encompassing and was, therefore, eliminated. The inclusion of a matrix is not a mandatory element of an EIS.

15. The City's goals for the Westlake site whether they be "developing an aesthetically pleasing open space" and "strengthening the retail core" or "strengthening the retail core" and "developing an aesthetically pleasing open space" were sufficiently described in the original documents. The emphasis, ranking or ordering of those goals does not appear to introduce any confusion. Nor is any change in the ranking readily or otherwise apparent in the supplemental documents. If there is a shift in emphasis, it must be rather subtle. Since the supplements reference the original EIS where the goals were found adequately discussed, any grounds for confusion would be eliminated.

16. The supplemental documents provide a range of alternatives. Alternative massing and locational schemes are presented for the preferred alternatives. The alternatives are presented along a continuum from maximum park development to maximum "commercial" development. Included are past development proposals, the preferred alternatives and certain designs demonstrating the urban design features proposed by the appellants.

17. The new section containing the alternatives describes previous proposals at Pages 34-56, the range of park versus commercial development alternatives at Pages 57-88, variations on the Rouse proposal at Pages 89-112, and variations on the Emerald Place proposal at Pages 113-114. These discussions include both text and figures to describe the alternatives. The alternatives provide a spectrum of possibilities and the analysis indicates that combinations of alternatives may also be possible. The sections on the Rouse proposal feature a number of options for relocating and resizing the Rouse Tower. Also featured are modifications to the glassed in atrium and the adjacent sidewalk widths. Environmental impacts and potential mitigating measures are outlined for each proposal.

CONCLUSIONS

1. The rules for review of the adequacy of an EIS remain the same as they were when the appeal was first presented. RCW 43.21C.090 (SEPA) requires that substantial weight be given the decision of the City of Seattle that the EIS prepared for the City's action is adequate. (Mentor v. Kitsap County, 22 Wn. App. 285, 289 (1978)). The appellants have not demonstrated that the decision of adequacy as it relates to the Draft and Final Supplemental EIS documents was "clearly erroneous." (Sisley v. San Juan County, 89 Wn 2d 78, (1977)).

2. The appellants had the burden of proving errors, confusion, or insufficient information tainted the documents. This was not accomplished. While the documents may not be all the appellants want, the documents provide information which clears up, fills in, and rounds out the original EIS. "[T]he environmental effects of the proposed action are disclosed, discussed, and substantiated by opinion and data." (Mentor, Ibid, at 289).

3. The record does not provide any basis for challenging the economic data provided by the City. The range of alternatives

provides sufficient data for a comparative analysis (WAC 197-10-440 (12)(d) and (e)). The massing/location trade-off section on the Rouse Tower and atrium of the preferred alternative provides opportunities to assess and mitigate the adverse environmental impacts of the proposal (WAC 197-10-440 (11)(a)).

4. While the EIS contains discussions of a park south of Pine and certain of the alternatives, perspective drawings and figures incorporate such a park, a discussion of that park is not the primary purpose of this EIS. Similar reasoning applies to the inclusion of any discussion of the Metro Mall/Tunnel. WAC 197-10-060(2) would indicate that neither of these two potential projects is functionally related to the sale of the Westlake properties since neither facilitates nor is necessary to the operation of the current proposal nor does the current proposal play a similar role for either of these two proposals.

5. There was also one additional reason for the original remand not raised again on this appeal that is still important. It was the failure of the original documents to provide the reader with sufficient insight into the authority of the City Council to modify or condition the development of the Westlake properties and to provide a range of possible mitigating options. The alternatives, ranging from all park, to varying levels of park and commercial development, to all development, to the variations on the Rouse proposal regarding the tower, the atrium, and the potential sidewalk widening, coupled with the section on the City's authority to condition contained at Pages 122-127 answer that concern. This information provides "the basis upon which the responsible agency and officials can make the balancing judgment mandated by SEPA between the benefits to be gained by the proposed 'major action' and its impacts upon the environment." (Juanita Bay Valley Community Association v. Kirkland, 9 Wn. App. 59, at 68 (1973)). The reader can utilize this information to persuade the decision makers regarding this project.

6. The criteria for review of an EIS is governed by the rule of reason and subject to that standard the EIS as supported by the supplemental documents is adequate. The decision of the Director is therefore affirmed.

DECISION

The appeal is denied.

Entered this 27th day of May, 1984.


Fred J. Kaufman
Hearing Examiner Pro Tempore

Concerning Further Review

WAC 197-11-680(4), Judicial Appeals, provides as follows:

- (a) SEPA authorizes judicial appeals of both procedural and substantive compliance with SEPA.
- (b) When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA (SEPA issues) and those which do not (non-SEPA issues). RCW 43.21C.075 establishes time limits for raising SEPA issues, but says that existing statutes of limitations control the appeal of non-SEPA issues. The statute contemplates a single lawsuit, but allows for the SEPA and non-SEPA portions of that lawsuit to be filed at different times.
- (c) If there is a time limit established by statute or ordinance for appealing the underlying governmental action, then appeals (or

portions thereof) raising SEPA issues must be filed within thirty days after the agency gives official notice...

(d) In any instance where subsection (c) of this subsection allows the SEPA portion of an appeal to be filed after the time limit established by statute or ordinance for appealing the underlying governmental action, some judicial action must be filed within the time set by statute or ordinance. That action may be later amended to raise SEPA issues within thirty days after the agency gives official notice...In addition, where SEPA issues were first raised during an administrative appeal, any person desiring to raise SEPA issues by judicial appeal must submit a notice of intent to do so with the responsible official of the acting agency within the time limit set by statute or ordinance for appealing the underlying governmental action.

(e) The notice of action procedures of RCW 43.21C.080 may still be used. If this procedure is used, then the time limits for judicial appeal specified in RCW 43.21C.080 shall apply, unless there is a time limit established by statute or ordinance for appealing the underlying governmental action. If so, the time limit for appeal of SEPA issues shall be within thirty days after the agency gives official notice...If the proposal requires more than one governmental decision that will be supported by the same SEPA documents, then RCW 43.21C.080 still only allows one judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

(f) If the time limit established by statute or ordinance for appealing the underlying governmental action is less than fifteen days, then the notice of action in RCW 43.21C.080(1) may be given by publishing once within that shorter time period, in a newspaper of general circulation in the area where the property that is the subject of the action is located, and meeting the other requirements of RCW 43.21C.080.

(g) If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

(h) For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time limits established by the general statutes of limitation in chapter 4.16 RCW.

(i) This subsection does not apply to petitions for judicial review of agency decisions in contested cases, or to petitions for a declaratory judgment on the validity of a rule, both of which are governed exclusively by the Administrative Procedure Act, chapter 34.04 RCW.