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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:) Hearing Examiner File:
)
) **W-18-002 and W-18-003**
DISCOVERY PARK COMMUNITY)
ALLIANCE, et al. and of THE)
LAURELHURST COMMUNITY CLUB,) BINDING STIPULATION AND
) ORDER OF DISMISSAL
)
from a decision of the City of Seattle, Final)
Environmental Impact Statement for the Fort)
Lawton Army Reserve Center Redevelopment)
Project.)

STIPULATION

On April 12, 2018 Laurelhurst Community Club (LCC) filed an appeal of the City of Seattle Fort Lawton Army Reserve Center Development Project Final Environmental Impact Statement (FEIS) issued by the City of Seattle’s (City’s) Office of Housing on March 29, 2018. As part of the appeal, LCC sought review of the adequacy of the EIS with regards to redeveloping the Talaris (formerly Battelle) site in the Laurelhurst neighborhood and concerning whether required SEPA procedures with regards to LCC were followed in EIS scoping and preparation. In filing its appeal of the FEIS, LCC responded to statements in the EIS by offering that:

1 [A] binding stipulation on behalf of the City as a whole, rather than one City
2 office, that the City will not cite, rely upon, or accept reliance upon the Fort
3 Lawton EIS as a basis for SEPA compliance with regards to a Talaris
4 redevelopment application might, depending on its specifics, provide the
5 assurance necessary for LCC to dismiss its appeal. The goal in this is to ensure the
6 City is actually bound by the assurances in the FEIS.

7 The City of Seattle Assistant City Attorney and LCC counsel have had the opportunity to
8 consult with their respective clients and have the authority to stipulate and agree as follows:

- 9 1. No City office, agency, or department will cite, rely upon, or accept reliance upon the
10 Fort Lawton EIS as a basis for SEPA compliance with regards to any Talaris
11 redevelopment application.
- 12 2. Notwithstanding the foregoing, the City may use the current Fort Lawton EIS in
13 preparing a new draft EIS, supplemental EIS, or addendum addressing Talaris
14 redevelopment provided, the SEPA document is circulated for public review,
15 comment, and response before being finally relied on for decision making, and is
16 subject to de novo appeal review by the Seattle Hearing Examiner per SEPA and the
17 implementing provisions of the Seattle Municipal Code.
- 18 3. Notwithstanding the foregoing, this Binding Stipulation and Order of Dismissal does
19 not address the adequacy of the Fort Lawton EIS that is subject to the appeal brought
20 by the Discovery Park Community Alliance et al.
- 21 4. Based on the foregoing, LCC will dismiss its pending appeal and will not assist
22 directly or indirectly in the remaining EIS appeal brought by the Discovery Park
23 Community Alliance et al.

The foregoing stipulation is respectfully submitted to the Hearing Examiner this 6th day
of June 2018.

EGLICK & WHITED PLLC

By: s/ Peter J. Eglick, WSBA #8809
Attorney for Appellant
Laurelhurst Community Club

PETER S. HOLMES
Seattle City Attorney

By: s/Patrick Downs, WSBA #25276
Assistant City Attorney
Attorneys for Respondent
Seattle Office of Housing

1 **ORDER**

2 This matter came before the Examiner on the foregoing binding stipulation of the City of
3 Seattle and Laurelhurst Community Club limiting the use and effect for Talaris site
4 redevelopment of the EIS under appeal in return for dismissal of LCC’s appeal.

5 The Examiner enters this Order incorporating as binding the parties’ stipulation and
6 therefore dismissing LCC’s appeal.

7 Dated this ____ day of June 2018

8 _____
9 Ryan Vancil
10 Hearing Examiner

1 **CERTIFICATE OF SERVICE**

2 I certify that on this date, I electronically filed a copy of the BINDING STIPULATION
3 AND ORDER OF DISMISSAL with the Seattle Hearing Examiner using its e-filing system.

4 I also certify that on this date, a copy of the same document was sent via email to the
5 following parties:

6 ***Appellants***

7 Discovery Park Community Alliance (DPCA)
8 c/o Elizabeth Campbell
9 4027 – 21st Avenue West, Suite 205
10 Seattle, WA 98199
11 dpcaccontact@gmail.com
12 neighborhoodwarrior@gmail.com

Peter J. Eglick
Fred Schmidt
Eglick & Whited
1000 Second Avenue, Suite 3130
Seattle, WA 98104
eglick@ewlaw.net
schmidt@ewlaw.net

11 the foregoing being the last known address of the above-named parties.

12 Dated this 6th day of June 2018, at Seattle, Washington.

13 *s/Alicia Reise*
14 ALICIA REISE, Legal Assistant