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OFFICE OF  
HEARING EXAMINER

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.

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**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:

**BINDING STIPULATION AND  
ORDER OF DISMISSAL - 1**

**Peter S. Holmes**  
Seattle City Attorney  
701 Fifth Ave., Suite 2050  
Seattle, WA 98104-7097  
(206) 684-8200

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

The foregoing stipulation is respectfully submitted to the Hearing Examiner this 6<sup>th</sup> 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


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**ORDER**

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

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

Dated this 6<sup>th</sup> day of June 2018

  
\_\_\_\_\_  
Ryan Vancil  
Hearing Examiner

CERTIFICATE OF SERVICE

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

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

*Appellants*

Discovery Park Community Alliance (DPCA)	Peter J. Eglick
c/o Elizabeth Campbell	Fred Schmidt
4027 – 21 <sup>st</sup> Avenue West, Suite 205	Eglick & Whited
Seattle, WA 98199	1000 Second Avenue, Suite 3130
<a href="mailto:dpcaccontact@gmail.com">dpcaccontact@gmail.com</a>	Seattle, WA 98104
<a href="mailto:neighborhoodwarrior@gmail.com">neighborhoodwarrior@gmail.com</a>	<a href="mailto:eglick@ewlaw.net">eglick@ewlaw.net</a>
	<a href="mailto:schmidt@ewlaw.net">schmidt@ewlaw.net</a>

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

Dated this 6<sup>th</sup> day of June 2018, at Seattle, Washington.

s/Alicia Reise  
ALICIA REISE, Legal Assistant



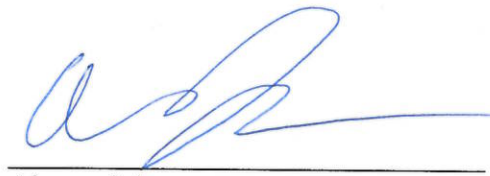
**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Binding Stipulation and Order of Dismissal (Signed)** to each person listed below, or on the attached mailing list, in the matter of **Elizabeth Campbell, et al.**, Hearing Examiner Files: **W-18-002 & W-18-003**, in the manner indicated.

Party	Method of Service
<b>Appellant for W-18-002</b> Elizabeth Campbell neighborhoodwarrior@gmail.com  <b>Counsel for Appellant for W-18-003</b> Peter J. Eglick eglick@ewlaw.net  Fred Schmidt schmidt@ewlaw.net  Rae Charlton charlton@ewlaw.net	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Department</b> Patrick Downs Assistant City Attorney patrick.downs@seattle.gov  Alicia Reise Alicia.reise@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: June 6, 2018



Alayna Johnson  
Legal Assistant