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7 BEFORE THE HEARING EXAMINER
8 CITY OF SEATTLE

9 In the Matter of the Appeal of)
10 TreePac Environmental Impact Review) Hearing Examiner File:
11 (TEIR) and Greenwood Exceptional) **W-21-007**
12 Trees (GET) of the November 15, 2021,)
13 Determination of Non-Significance by Brennon) OPCD's CLOSING BRIEF
Staley, Office of Planning and Community)
Development.)

14 **I. INTRODUCTION**

15 The Hearing Examiner should affirm the Determination of Non-Significance ("DNS")
16 issued for the proposed Townhouse Reform legislation ("Proposal"). The Office of Planning and
17 Community Development ("OPCD"), through its exhibits and testimony presented at the
18 hearing, demonstrated prima facie compliance with SEPA requirements.¹ OPCD correctly
19 followed SEPA procedures, and the checklist and determination were complete, accurate, and
20 detailed. The environmental impacts of the Proposal were correctly determined to be less than
21 significant.

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¹ Seattle's SEPA Rules are located in chapter 25.05 Seattle Municipal Code ("SMC").

1 TreePac and Greenwood Exceptional Trees, hereafter referred to together as “Appellant”,
2 failed to meet its burden of proof to show that OPCDs DNS was clearly erroneous. Appellant
3 incorrectly focused on their dissatisfaction of development impacts that result from current
4 development regulations, rather than the potential impacts of the Proposal relative to the existing
5 code. Appellant misapplies the concept of cumulative impacts, seeking to include the impacts of
6 historical, substantially independent legislation as part of the environmental review of this
7 Proposal, essentially attempting to shift the baseline to measure the impacts from this Proposal
8 back in time to 2015. Appellant also incorrectly attempts to include into the review of this
9 Proposal the speculative impacts from theoretical non-existent future legislative proposals that
10 the City might one day develop. Finally, the Appellants did not present sufficient evidence to
11 support their assertion that the environmental review of the Proposal was clearly erroneous or
12 would have potential significant adverse environmental impacts.

13 II. STATEMENT OF FACTS

14 A. Proposal

15 OPCD proposed amendments to the Seattle land use code intended to encourage the
16 incremental development of more rowhouses and townhouses (“Proposal”). Ex. 1, p. 1.²

17 The Proposal was developed on the recommendations of the Affordable Middle Income
18 Housing Advisory Council to support more “missing middle” housing such as townhouses and
19 rowhouses. Id.

20 Townhouses and rowhouses tend to provide an opportunity for home ownership that is
21 less expensive than detached homes. Id; See also Ex. 15, p. 11-12.

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² Exhibit page numbers refer to the PDF pages rather than document pages unless otherwise noted.

1 The Lowrise 1 (“LR1”) zone allows for multi-family developments that include cottage
2 housing, apartments, rowhouses and townhouses. Ex. 17, p. 1-2. Within the LR1 zone, current
3 regulations establish floor area ratio limits, density limits, building height limits, building
4 setback and width requirements, façade length, as well as green factor and amenity area
5 requirements, green building and design standards, and parking standards. Id.

6 Under existing regulations, there are no density limits in the LR1 for cottage housing or
7 apartments with an MHA suffix.³ Id. Also, there is no current density limit for rowhouses on
8 corner lots or interior lots that are greater than 3,000 square feet. Id.

9 Townhomes currently have a density limit of 1 unit per 1,300 square feet as do rowhouses
10 located on an interior lot less than 3,000 square feet. Id.

11 A summary of the Proposal is provided in the Proposal Summary. Ex. 1. The Proposal
12 would establish a density limit in the LR1 zone for both townhouses and rowhouses on an
13 interior lot, regardless of lot size, at 1 unit per 1,150 square feet, a density similar to what can be
14 achieved currently when a lot is developed with rowhouses or a combination of rowhouses and
15 townhouses. Id.

16 The amendments to the density limit in the LR1 zone would continue to allow
17 development consistent with what is already occurring today but would reduce complexity and
18 delay in the permitting process. Id.

19 The Proposal will also amend bike parking requirements for townhouses and rowhouses
20 to make it easier to accommodate long-term bike parking as well as implement other minor
21 modifications and clarifications pertaining to surface parking. Id; Ex. 2.

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³ Apartments in LR1 zone must meet the family sized unit requirements provided in SMC 23.45.512.B.

1 **B. SEPA Environmental Review**

2 Brennon Staley, a Strategic Advisor at OPCD, was the lead planner who drafted the
3 Proposal and prepared an environmental checklist that considered the environmental impacts of
4 the nonproject Proposal.⁴ *Staley Testimony*, Day 1.

5 Nicholas Welch assisted Mr. Staley by preparing a Geographic Information Systems
6 (“GIS”) analysis for the Proposal that analyzed the redevelopment potential of parcels in the
7 City’s multifamily zones. *Welch Testimony*, Day 1. The GIS utilized the data from the City’s
8 development capacity model, and also considered several relevant factors related to the
9 redevelopment status of the lot, such as whether the lot is a corner lot, contains environmentally
10 critical areas, is located in the shoreline district, or is within a historical district or contains a
11 designated landmark. Ex. 6. The GIS analysis found that only 5,739 lots in the LR1 zone are
12 potentially redevelopable. Ex. 6.

13 Mr. Staley also reviewed a sample of project permits and confirmed that a common
14 development practice allowed under current code, especially for larger lots, was to subdivide a
15 lot, or go through a lot boundary adjustment, to build rowhouses on the front adjacent to the
16 street and townhouses on the lot behind. *Staley Testimony*, Volume 1. By doing so,
17 developments involving a combination of rowhouses and townhouses on separate interior lots are
18 currently achieving levels of density that exceed the current density limit of 1 du/1300 square
19 feet per lot that might be achieved with only one lot. Ex. 7. The City’s Exhibit 7 was prepared
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22 ⁴ The official transcription (Volume I, II, and III) is attached as Appendix I to this brief. A hardcopy will be provided
23 in about a week after current audio gaps are fixed by the transcription company. The page numbers of the new version
may differ slightly from the current version, so some of the citations in this brief may not correspond with the new
version.

1 simply to list examples of rowhouse and townhouse developments under the existing code
2 already achieving density levels similar to what is proposed. *Staley Testimony*, Volume 1.

3 Mr. Staley prepared the environmental checklist for the Proposal. Ex. 3. The checklist
4 included a response for every element of the environment in Section B, as well as a more in-
5 depth analysis in Section D related to nonproject proposals. Id. The potential impacts were
6 disclosed in Section B and Section D, together, for each element of the environment. Id.

7 Mr. Staley testified that in preparing the checklist, he considered the permit analysis, GIS
8 analysis, consultation with other City staff and others outside the city, his own expertise and his
9 knowledge of previous SEPA environmental analyses, including the MHA EIS and ADU EIS,
10 his expertise in the City's urban forest policy goals and tree protection regulations, as well as
11 other resources such as applicable Seattle Municipal Code provisions and Director's rules. *Staley*
12 *Testimony*, Volume 1.

13 Mr. Staley testified that in his assessment of the impacts, he looked at whether this was
14 going to allow new development of any new types of uses and concluded it will not because it
15 does not change the zoning. Id. He also testified that the legislation would not change the Floor
16 Area Ratio, or the building height, nor would it change the setback, open space, or green factor
17 requirements. Id.

18 Mr. Staley testified that based on his experience, all the impacts were assessed that
19 should have been, and that the incremental impacts from the Proposal would be minor relative to
20 the current code. Id.

21 **C. SEPA Decision**

22 After a thorough environmental review of the proposal and environmental checklist,
23 OPCD's responsible SEPA official, Geoffrey Wentlandt, issued the DNS, determining that the

1 nonproject action would not have a significant adverse impact on the environment. Ex. 4. Mr.
2 Wentlandt, as OPCDs Land Use Policy Manager, was authorized by the OPCD Director to serve
3 as the responsible SEPA official for this proposal. *Wentlandt Testimony*, Volume 1.

4 Mr. Wentlandt testified that he was experienced in issuing environmental determinations
5 and that, for previous nonproject actions, he had prepared DNSs that he signed and issued on
6 behalf of the OPCD Director and also prepared two Determinations of Significance (“DS”) that
7 was signed by the OPCD Director. One of the two DS’s that Mr. Wentlandt prepared for a
8 nonproject action was for the City’s Mandatory Housing Affordability (“MHA”) program.⁵

9 Mr. Wentlandt testified about the relevant factors that led him to prepare a DS for the
10 MHA nonproject proposal. He looked at whether the proposal had some probability or likelihood
11 that it could cause a significant impact to the built or natural environment, and whether there was
12 a likelihood that it could have far reaching effects that could substantially alter the course of how
13 the physical environment would change over time due to the change in the regulation. *Id.*

14 Mr. Wentlandt testified that some of the relevant factors he considers when he makes a
15 threshold determination include: whether it could affect a perceptible shift in the land use pattern
16 that might be different than or at odds with adopted policies in the Comprehensive Plan about the
17 growth pattern; whether it could cause an exceedance of an adopted level of service standard;
18 whether it could lead to a prevalence of violations of an adopted city, state, or federal regulation;
19 or whether it could cause an acute impact to a particular area or geographic locale. *Id.*

20 In comparing the scope of the MHA proposal to this current Proposal, Mr. Wentlandt
21 testified that the MHA legislation was much broader in terms of the amount of change to

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23 ⁵ Geoffrey Wentlandt’s Direct Testimony was not included with the Hearing Examiner’s official audio files and is not currently transcribed as part of the official transcript that the City had prepared. Please refer to the zoom hearing recording. The City plans to submit a copy of the Official Transcript as part of the Record upon its completion.

1 regulations. The MHA legislation proposed changes to zoning categories for large geographic
2 areas, changed key development standards such as allowed height, allowed FAR, or allowed
3 uses, and was much more broad in terms of geographic coverage and number of zones that were
4 affected. Id.

5 In contrast, Mr. Wentlandt testified that the current Proposal, the Townhouse Reform
6 Legislation, was much narrower in scope and does not change any of the key development
7 standards that govern height, allowed FAR, or allowed uses. Mr. Wentlandt testified that the
8 potential impacts from the Proposal are minor because the Proposal: (1) does not rezone any
9 property; (2) does not change setback distances; (3) does not change height restrictions; (4) does
10 not change open space requirements; (5) does not change green factor requirements; (6) does not
11 change design review requirements; (7) and that the density change that would take effect in the
12 LR1 zone for rowhouses and townhouses is a density level already being achieved within the
13 same development footprint, either because a developer chooses to build apartments, or a
14 combination of rowhouses and townhouses. Id.

15 The DNS was issued on November 15, 2021, and was published in accordance with SEPA
16 rules in the Land Use Information Bulletin as well as the State SEPA Register. Ex. 5, Ex. 14.

17 Comments were received during the public comment period and considered by OPCD,
18 including comments from the Appellant. *Staley Testimony*, Volume I, p. 88-90.

19 **D. Appeal**

20 On December 6, 2021, Appellant filed an appeal (“Appeal”) of the DNS.⁶ The City
21 moved for partial dismissal to dismiss some of the Appellant’s issues. The Hearing Examiner
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⁶ See the Notice of Appeal already on file.

1 issued an Order on Department’s Motion for Partial Dismissal (“Order”). The Order dismissed
2 Appellant’s Issues C, E, G, H, K (to the extent Issue K challenged SEPA decision timing), and L.

3 **III. ARGUMENT**

4 **A. Standard of Review**

5 “[T]he Appellant bears the burden of proving that the Director’s Decision was clearly
6 erroneous.” *Appeal of Escala Owners Association*, HE File No. MUP-17-035, Amended
7 Findings and Decision (June 12, 2018) (“*Escala Owners*”), p. 14 (citing *Brown v. Tacoma*, 30
8 Wn. App. 762, 637 P.2d 1005 (1981)). “This is a deferential standard of review, under which the
9 Director’s decision may be reversed only if the Hearing Examiner, on review of the entire
10 record, and in light of the public policy expressed in the underlying law, is left with the definite
11 and firm conviction that a mistake has been made.” *Id.* (citing *Moss v. Bellingham*, 109 Wn.
12 App. 6, 13, 31 P.3d 703 (2001)).

13 **B. The City complied with the substantive requirements of SEPA.**

14 As the Examiner recently explained in *Save Madison Valley*, HE File No. MUP-20-023,
15 Amended Findings and Decision at 11 (June 18, 2021), Appellant faces an uphill battle in
16 challenging the DNS:

17 The burden of proving the inadequacy of a threshold determination is high, and can be
18 particularly difficult to meet. In this case, Appellant is challenging, in part, the
19 responsible official’s determination that there will be no probable significant adverse
20 environmental impacts caused by the proposal. To meet their burden of proof under
21 SEPA, the Appellant must present actual evidence of probable significant adverse
22 impacts from the proposal. *Boehm v. City of Vancouver*, 111 Wn. App. 711, 719, 47 P.3d
23 137 (2002); *Moss v. City of Bellingham*, 109 Wn. App. 6, 23, 31 P.3d 703 (2001). As
noted above, “significance” is defined as “a reasonable likelihood of more than a
moderate adverse impact on environmental quality.” WAC 197–11–794. This burden is
not met when an appellant only argues that they have a concern about a potential impact,
and an opinion that more study is necessary. The SEPA process does embody value for
personal and societal concerns that individuals may have, but this is addressed during the
comment period of SEPA review, not during the appeal period, which occurs post SEPA

1 process analysis. After the comment period has concluded, and where (as in this case)
2 the responsible official shows that they have fully reviewed and considered such
3 comments and concerns, including requiring additional review and analysis from an
4 applicant, if the process proceeds to appeal, the bar is raised for concerned appellants to
5 proactively provide adequate evidence of significant impacts that were not considered by
6 the SEPA reviewer.

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8 Appellant did not and cannot meet its burden to establish error in the City's SEPA consideration.

9 **1. OPCD Correctly followed SEPA procedures, and the checklist and**
10 **determination were complete and accurate.**

11 The SEPA environmental checklist issued by OPCD provides a thorough environmental
12 analysis of the nonproject Proposal. OPCD described the potential impacts of each and every
13 element of the environment, in Part B of the checklist together with Part D, the supplemental
14 sheet for nonproject actions. Mr. Staley arranged for analyses to inform preparation of the
15 checklist, including a development capacity analysis, an identification of potentially affected
16 historic landmark sites, and a review of relevant plan sets to enhance the understanding of the
17 qualities, configurations and designs of townhouse and rowhouse developments. Mr. Staley
18 appropriately found those potential impacts to be minor in relation to the current code and the
19 existing uses and conditions in the affected area. *Chuckanut Conservancy v. Washington State*
20 *Dept. of Natural Resources*, 156 Wn. App. 274, 285, 232 P.3d 1154 (2010); *Wild Fish*
21 *Conservancy v. Washington Dept. of Fish and Wildlife*, 502 P.3d 359, 372 (2022) (A Proposal's
22 environmental impact is to be based on the extent to which the action will cause adverse
23 environmental effects in excess of those created by existing uses or conditions in the area.)

Likewise, the SEPA DNS was issued by Mr. Wentlandt after a thorough review and
thoughtful analysis that considered the environmental checklist, proposal summary, and relied on
his own experience and expertise in issuing SEPA threshold determinations in accordance with

SMC 25.05.310 - .330. Mr. Wentlandt's extensive knowledge of current code, which establishes the baseline conditions, was also relied upon in his decision, as well as his extensive knowledge of prior SEPA actions, including the MHA EIS issued as a result of the DS that he prepared for that proposal.⁷

For each element of the environment, the DNS includes a summary discussion of the types of impacts that would be likely to occur due to the proposal. Following the summary of types of impact, the DNS makes a statement about the magnitude of those impacts at the end of the paragraph pertaining to the element of the environment. The DNS identifies and discloses that there would be some environmental impact on multiple elements of the environment. The environmental impacts were correctly determined to be less than significant.⁸

2. The Proposal is focused and limited.

The current code already allows for urban, multifamily development in all the affected areas. Apartments, cottage housing, rowhouse developments on corner lots, and rowhouse development on interior lots that are greater than 3,000 square feet are currently allowed to be built in the LR1 zone without any density limits, and apartment developments have achieved density levels of 1 du/500 sq. ft. Ex. 3, p. 18. The proposal does not amend the zoning classification of any property. Nor does it amend the building height restrictions, setback requirements, FAR limitations, parking requirements, or open space, green factor or amenity requirements.

⁷ A "baseline" is a practical tool used in environmental analysis to identify the possible consequences of a proposed agency action. The basic idea is that establishing baseline environmental conditions is necessary to determine the effect a proposal will have on the environment. *Wild Fish Conservancy v. Wash. Dept. of Fish and Wildlife*, 502 P.3d 359, 371 (2022).

⁸ This includes all the impacts raised by the Appellant, including their concerns regarding lot coverage, urban forest tree canopy, utilities, solar access, transportation access, historic resources, and public interest.

1 The limited focus of the Proposal adjusts only the density levels of townhouse and
2 rowhouse developments for LR1 zones and for those in other lowrise zones without an MHA
3 suffix.⁹

4 A proposal that does not change the actual current uses to which the land was put nor the
5 impact of continued use on the surrounding environment is not a major action significantly
6 affecting the environment and an EIS is not required. *Chuckanut Conservancy v. Washington*
7 *State Dept. of Natural Resources*, 156 Wn. App. 274, 285, 232 P.3d 1154 (2010).

8 In describing the Proposal, Appellant witness Brian Derdowski understood that the
9 Proposal would place a new density limit for rowhouses on interior lots, even those greater than
10 3,000 sq. ft., which he acknowledged was arguably an increase in neighborhood or
11 environmental protections. *Derdowski Testimony*, Vol. II, p. 323. Mr. Derdowski also described
12 other aspects of the Proposal as “fairly minor and fairly technical.” *Id.*

13 **C. Appellant failed to meet its burden of proof.**

14 **1. Appellant focuses on its dissatisfaction with the current code instead of**
15 **on the Proposal’s impacts in relation to the current code.**

16 Appellant incorrectly focused on its dissatisfaction with the current code, rather than the
17 Proposal’s impacts in relation to the current code. Appellant’s exhibits and testimony identified
18 their concern with impacts from development already allowed under existing code. Such
19 concerns, important as they may be to Appellant, are not relevant as to the assessment of the
20 Proposal’s impacts in relation to the current code, which is supposed to be the prime focus of a
21 SEPA appeal.

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⁹ It is rare for a townhouse or rowhouse development not to have an MHA suffix.

1 For instance, Mr. Lider testified that “I think, to wrap it up for my input, that the City
2 really needs to strengthen its code to keep these existing trees in place as much as possible. . .”

3 *Lider Testimony*, Vol 2, p. 53.

4 As another example, Mr. Derdowski testified that “the day-to-day activity of how
5 development is actually done, have a cumulative effect on the efficacy of tree regulations that we
6 have.” *Derdowski Testimony*, Vol 2. p. 104.

7 Further, Appellant’s exhibits focus on existing development built to current code
8 standards. Ex. 19, Ex. 42 – 44. Such exhibits provide little to no analysis of the Proposal’s
9 environmental impacts in relation to the current code.

10 **2. Insufficient evidence was presented to support Appellant’s assertion**
11 **that the DNS was clearly erroneous or that probable significant adverse**
impacts would result from the Proposal.

12 Appellant did not present sufficient evidence that OPCD issued the DNS in clear error or
13 that probable significant adverse impacts would result from the Proposal. No expert reports were
14 prepared concluding any of the Proposal’s impacts would be significant.

15 For example, Mr. Lider, who testified about stormwater and sewer impacts,
16 acknowledged that he did not prepare any sort of expert report that analyzed the Proposal’s
17 impacts. *Lider Testimony*, Volume II, p. 266. Further, Mr. Lider acknowledged that his
18 Declaration made no reference whatsoever to the Proposal, but instead included a general
19 discussion regarding the relationship between tree retention and stormwater runoff. *Id.* See also
20 Ex. 30.

21 Similarly, Ms. Kathleen Wolf who testified as to benefits of a healthy urban forest
22 acknowledged that she did not undertake any study of the Proposal’s impacts. *Wolf Testimony*,
23 Volume II, p. 386. Her testimony applied to development in multi-family areas in general.

1 As argued above, Mr. Lider, Ms. Wolf, as well as the other Appellant witnesses focused
2 their testimony on their dissatisfaction of current tree protections under existing code, rather than
3 on the Proposal's impacts relative to the current code.

4 Appellants were at times confused about the proposal and mischaracterized the contents
5 of the environmental checklist and DNS.

6 For instance, Mr. Lider, when asked to describe the Proposal, was unable to provide a
7 description of the Proposal. *Lider Testimony*, Volume II, p. 66.

8 Richard Ellison described concerns he had with large portions of Seattle's single-family
9 areas somehow transferring to LR1 zone because of what he described as a trend and he
10 associated those concerns with this Proposal, even though this Proposal does not rezone any
11 property. *Ellison Testimony*, Volume III, p. 5. He attributed these concerns to a newspaper article
12 related to a pending bill in the state legislature that would require local governments to allow
13 more "missing middle" housing. *Id.* See Ex. 45. This Proposal is completely unrelated to that bill
14 pending in the state legislature.

15 The environmental documents were mischaracterized on several occasions. For instance,
16 Appellants state that the environmental checklist indicates that no impacts would result.¹⁰ To the
17 contrary, the checklist clearly describes impacts and simply concludes those impacts to be minor.

18 Appellants rely not on expert analysis, but rather on speculation, and cannot meet their
19 burden of proof.

20 **3. Appellants misapply cumulative impacts and wrongly seek to include**
21 **the study of impacts from previously passed independent legislation as**
22 **well as impacts from nonexistent future legislation that might one day**
23 **be developed.**

¹⁰ Opening Statement, p. 18, line 5; Lider Testimony, Vol II, p. 60; Kaplan Testimony, Vol II, p. 141

1 First and foremost, Appellants' Issue L, that asserted cumulative impacts as an issue, has
2 already been dismissed in the Hearing Examiner's February 8 Order.

3 For the sake of argument, Appellant wrongly argues that the impacts of previously
4 adopted substantially independent legislation should be considered as cumulative impacts of this
5 proposal.

6 The cumulative impacts from the prior MHA and ADU legislative proposals were already
7 studied in their own separate and independent EISs. For the MHA proposal, the cumulative
8 impacts of new development allowed under the MHA proposal was studied in the MHA EIS.
9 The ADU EIS included the review of the cumulative impacts of the ADU proposal, studying the
10 allowed new development under the ADU proposal. Both of which were previously challenged
11 and upheld by the Hearing Examiner.¹¹ These decisions are final.

12 Because the Appellants cannot show that the Proposal at issue here is dependent on those
13 prior legislative proposals, their cumulative impacts argument must fail. *See Boehm v. City of*
14 *Vancouver*, 111 Wn. App. 711, 720, 47 P.3d 137 (2002). Here, the previously adopted legislation
15 is substantially independent from this Proposal. They stand alone. This Proposal advances
16 legislative policy proposals that are independent from the already-adopted legislative proposals.
17 Accordingly, the baseline for this Proposal is the current code, not the 2015 code as suggested by
18 the Appellant. See Notice of Appeal, p. 4.

19 Appellants also argue that the potential impacts of a theoretical non-existent future
20 proposal should also be studied now and included in the scope of impacts for this Proposal.
21 *Ellison Testimony*, Vol III, p. 5-9. Again, because the Appellants cannot show that this Proposal

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23 ¹¹ See *Wallingford Community Council, et al.*, HE File No. W-17-007 – W-17-14, Revised Findings and Decision
(December 6, 2018); See also *Queen Anne Community Council*, HE File No. W-18-009, Findings and Decision (May
13, 2019).

1 is dependent on any such future speculative proposal, when in fact, no such proposal exists, that
2 argument must fail. Appellants ignore the fact that if such a Proposal is developed at some future
3 time, either because the state requires it or because the City develops such a policy proposal, the
4 required study of the environmental impacts of such a proposal would be studied at that later
5 time.

6 IV. CONCLUSION

7 The Hearing Examiner should affirm OPCDs DNS. OPCD complied with all the SEPA
8 requirements and properly issued the DNS after finding that the potential impacts are minor and that
9 there would not be any probable significant adverse environmental impacts. The Appellant failed to
10 meet its burden to prove that the issuance of the SEPA DNS was clearly erroneous.

11
12 DATED this 16th day of March 2022.

13 ANN DAVISON
14 Seattle City Attorney

15 By: *s/Daniel B. Mitchell*, WSBA #38341
16 Assistant City Attorney
17 Seattle City Attorney's Office
18 701 Fifth Ave., Suite 2050
19 Seattle, WA 98104-7097
20 Ph: (206) 684-8616
21 Fax: (206) 684-8284
22 Email: daniel.mitchell@seattle.gov
23 *Attorneys for Respondent City of Seattle, Office of
Planning & Community Development*

1 **CERTIFICATE OF SERVICE**

2 I certify that on this date, I electronically filed a copy of the foregoing document with the
3 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 and U.S.
5 Mail to the following parties:

6 TreePac Environmental Review
7 512 N. 82nd Street
8 Seattle, WA 98103
9 Richard Ellison, Chair & Vice President
Pro Se Appellant
treesandpeople@pacificwest.com

10 Dated this 16th day of March 2022, at Seattle, Washington.

11
12 s/ Eric Nygren
13 ERIC NYGREN, Legal Assistant
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