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BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

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In the Matter of the Appeals of

NO. W-22-003

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MBAKS, LEGACY GROUP,  
BLUEPRINT CAPITAL

Department Reference: 000268-22PN

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from a Determination of Non-Significance  
issued by the Director, Seattle Department  
of Construction and Inspections.

SECOND DECLARATION OF STEVE  
ZEMKE IN SUPPORT OF  
TREEPAC'S MOTION TO  
INTERVENE

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I, STEVE ZEMKE, declare as follows:

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1. I am a member and Chair of TreePAC. I am over the age of 18 years. I served for six years as the wildlife biologist on the Seattle Urban Forestry Commission. I was a member of the Commission's drafting committee which in 2018 produced a draft Tree and Urban Forest Protection Ordinance requested by several Seattle City Council members. I make this declaration based on my personal knowledge.

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2. A member of TreePAC filed an appeal on behalf of TreePAC with the hearing examiner on March 10, 2022. Later that same day, TreePAC voluntarily withdrew its appeal. The Hearing Examiner's office refunded the appeal fee in full and the appeal was formally dismissed by the Examiner on March 15, 2022.

1           3.     Attached hereto as Exhibit A is a true and correct copy of the Order of Dismissal of  
2 the appeal.

3           4.     As a result, TreePAC has not filed an appeal of the Determination of Non-  
4 Significance issued by SDCI that is the subject of MBAKS et. al.'s appeal.

5           5.     The difference between TreePAC filing an appeal and intervention now is that  
6 TreePAC is intervening to try to prevent SDCI's draft being made weaker by MBAKS's appeal.  
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8           6.     The following is TreePAC's formal position statement on trees and housing:

9                     TreePAC believes sustainable urban planning means building livable  
10 communities of dense housing within a vibrant urban forest.

11                     Trees in cities contribute significantly to human health and  
12 environmental quality. Urban trees filter air pollutants, counteract  
13 the urban heat island effect, and reduce building energy use. They  
14 clean and reduce stormwater which runs into creeks, crucial to  
salmon habitat. Trees also increase mental and physical well-being  
and foster feelings of relaxation and calm.

15                     Housing density contributes to human health and environmental  
16 quality too. It allows us to live within a reduced environmental  
footprint and is more inclusive of all socioeconomic backgrounds.


17                     The benefits of our urban trees are not realized by all Seattleites –  
18 injustice has resulted in sparse tree coverage in neighborhoods with  
19 fewer resources, while other neighborhoods have a larger urban  
20 canopy. TreePAC is working toward restoring our urban forest in  
neighborhoods where it has been lost, as well as protecting our  
existing forest for future generations.

21                     (Along with the numerous tangible benefits trees bring by creating a  
22 more livable, sustainable, and climate-resilient Seattle, we believe  
23 trees connect people to the natural world and bring joy....)

24                     I declare under penalty of perjury under the laws of the State of Washington that the foregoing  
25 is true and correct.  
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Dated this 28 day of April, 2022, at Seattle, Washington.

  
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STEVE ZEMKE

# **EXHIBIT A**

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeal of

Hearing Examiner File:  
**W-22-002**

**TREEPAC**

from a Determination of Non-Significance  
issued by Seattle City Council

**ORDER OF DISMISSAL**

The appellant has withdrawn their appeal for this matter. Pursuant to Hearing Examiner Rule 3.06, the matter should be, and hereby is, **DISMISSED**.

Entered this 15<sup>th</sup> day of March, 2022.

/s/ Ryan Vancil  
Ryan Vancil, Hearing Examiner

**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 **ORDER OF DISMISSAL** to each person listed below, or on the attached mailing list, in the matter of **TREEPAC**. Hearing Examiner File: **W-22-002** in the manner indicated.

<b>Party</b>	<b>Method of Service</b>
<b>Authorized Representative</b> <b>TreePAC</b>  Richard Ellison <a href="mailto:treepac@protonmail.com">treepac@protonmail.com</a>	<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> <b>SDCI</b>  Gordon Clowers <a href="mailto:Gordon.Clowers@seattle.gov">Gordon.Clowers@seattle.gov</a>	<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: March 15, 2022

/s/ Angela Oberhansly  
Angela Oberhansly  
Administrative Specialist