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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeals of

MBAKS, LEGACY GROUP,
BLUEPRINT CAPITAL

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

NO. W-22-003

Department Reference: 000268-22PN

TREPAC'S CLOSING BRIEF

INTRODUCTION

The City of Seattle has established a goal of increasing Seattle's tree canopy to 30% canopy cover by 2037.¹ This goal is driven by a recognition of the important services the urban forest provides to everyone in Seattle, such as increasing resiliency to climate change, managing stormwater runoff and erosion, enhancing public health, cleaning our air and water, cooling riparian corridors, mitigating heat island effects, and improving our shoreline and other wildlife habitat.² The goal is to promote a clean, healthy, resilient, and safe environment in the places where people live, learn, work, and play, and to reinforce Seattle's identity and legacy as a forested, livable city.³

¹ City Ex. 2.
² *Id.*
³ *Id.*

1 In furtherance of that goal, the Seattle Department of Construction and Inspections (SDCI) in
2 consultation with the Office of Sustainability and Environment (OSE) is proposing updates to the Land
3 Use and Tree Protection Codes that would implement the strategies from Resolution 31902, adopted
4 September 16, 2019, to increase tree protection consistent with the goals and policies of the 2015-
5 2035 Comprehensive Plan and the 2020 Urban Forest Management Plan (UFMP).⁴ Throughout this
6 work, the Urban Forestry Commission (UFC) has been engaged about tree protection needs and
7 potential strategies, and has provided input to SDCI and OSE.⁵

9 The Proposal⁶ at issue in this appeal is a non-project legislative action proposing
10 amendments to Titles 23 (Land Use Code) and 25 (Tree Protection Code).⁷ The purpose of the code
11 amendments is to update tree protections.⁸ The Proposal will:

- 12 • Expand the types and sizes of trees that are regulated, including a new definition of
13 significant trees;
- 14 • Apply replacement requirements to include significant trees 12 inches in diameter and
15 larger;
- 16 • Simplify provisions, including allowing development standards to be modified to aid in
17 tree preservation as an administrative process without requiring Design Review, while
18 maintaining Design Review as an option in multifamily and commercial zones;
- 19 • Establish a payment option for tree replacement (payment in lieu);
- 20 • Support tracking of tree preservation, removal, and replacement; and
- 21 • Increase penalties for violations of tree regulations.⁹

24 ⁴ App. Ex. 1 at 1.

25 ⁵ *Id.*

25 ⁶ This brief refers to the proposed Updates to the Land Use and Tree Protection Codes as the
“Proposal,” or the “amendments” interchangeably throughout.

26 ⁷ App. Ex. 1 at 1.

⁸ *Id.*

⁹ *Id.* at 2.

1 Included with the Proposal are two draft Director’s Rules addressing payment-in-lieu of tree
2 replacement and the designation of exceptional trees that are 24” DSH and smaller.¹⁰

3 After a lengthy and comprehensive public process, which included input from the appellants,¹¹
4 Seattle’s SEPA responsible official issued a Determination of Non-Significance (DNS) for the
5 Proposal. In so doing, the City considered the Proposal’s potential housing and land use impacts in a
6 manner sufficient to amount to prima facie compliance with the requirements of SEPA. Appellants
7 did not meet the burden of proof of demonstrating the reasonable probability of the significant impacts
8 they allege and did not present actual evidence of probable significant adverse impacts from the
9 proposal. The DNS appeal should be denied.

11 ARGUMENT

12 A. The legal standard for a DNS appeal.

13 Under the Washington State Environmental Policy Act (“SEPA”), Chapter 43.21C RCW, the
14 threshold determination must be based on “information reasonably sufficient to evaluate the
15 environmental impact of a proposal.”¹² Washington courts have articulated what this standard
16 requires:
17

18 For the MDNS to survive judicial scrutiny, the record must
19 demonstrate that environmental factors were considered in a manner
20 sufficient to amount to prima facie compliance with the procedural
21 requirements of SEPA and that the decision to issue an MDNS was
22 based on information sufficient to evaluate the proposal's
23 environmental impact.¹³

24 ¹⁰ *Id.* at 4; App. Exs. 5 and 6.

¹¹ City Ex. 16.

¹² WAC 197-11-335; WAC 197-11-330; *Anderson v. Pierce County*, 86 Wn. App. 290, 301, 936 P.2d 432 (1997). *See also Norway Hill, supra*, 87 Wn.2d at 276; *Spokane County v. E. Wash. Growth Mgmt. Hr’gs Bd.*, 176 Wn. App. 555, 579, 309 P.3d 673 (2013), *review denied* 179 Wn.2d 1015, 318 P.3d 279 (2014).

¹³ *Wenatchee Sportsmen Ass’n v. Chelan County*, 141 Wn.2d 169, 176, 4 P.3d 123 (2000) (citations omitted). *See also Moss v. City of Bellingham*, 109 Wn. App. 6, 23, 31 P.3d 703 (2001); *Anderson, supra*, 86 Wn. App. at 302; *Pease Hill Cmty. Group v. County of Spokane*, 62 Wn. App. 800, 810, 816 P.2d 37 (1991).

1 Under SEPA, “[s]election of the environmental review process and protection is left to the sound
2 discretion of the appropriate governing agency...”¹⁴

3 An agency’s decision to issue a DNS must be accorded substantial weight.¹⁵ The Seattle
4 Hearing Examiner has consistently applied the “clearly erroneous” standard of review to DNS appeals,
5 which requires that the Examiner be left with a definite and firm conviction that a mistake has been
6 committed.¹⁶ The Seattle Hearing Examiner has also repeatedly held that: “To meet its burden of
7 proof under SEPA, the Appellant must meet the high burden of demonstrating the reasonable
8 probability of the significant impacts they allege and present actual evidence of probable significant
9 adverse impacts from the proposal.”¹⁷

11 **B. The City satisfied its burden of demonstrating prima facie compliance with
12 SEPA’s procedural requirements.**

13 The City considered the proposal’s potential housing and land use impacts in a manner
14 reasonably sufficient to amount to prima facie compliance with the requirements of SEPA. The
15 information reviewed by the City was reasonably sufficient to evaluate the environmental impacts of
16 the Proposal.”

17
18 SDCI Senior Planning and Development Specialist Gordon Clowers was the responsible
19 official who issued the threshold determination.¹⁸ Having worked as a planner with the City of Seattle
20 for 24 years, Mr. Clowers has extensive experience with issuing SEPA threshold determinations,
21 engaging in monitoring growth in the City, preparing EISs, and reviewing comprehensive plan and
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23 ¹⁴ *Anderson*, 86 Wn. App. at 302.

24 ¹⁵ *Id.* See also RCW 43.21C.090.

25 ¹⁶ *In the Matter of the Appeal of George W. Recknagel*, HE W-13-002 and *In the Matter of the Appeal of Ballard Business Appellants*, HE W-12-002 relying on *Cougar Mt. Assoc. v. King County*, 111 Wn.2d 742, 747, 765 P.2d 264 (1988); *Brown v. Tacoma*, 30 Wn. App. 762, 637 P.2d 1005 (1981).

26 ¹⁷ *In re: Appeal of Save Madison Valley*, MUP-18-020 (Findings and Decision, Feb. 26, 2019); *In re: Appeal of Wallingford Community Council*, W-17-006 (Revised Findings and Decision, Dec. 6, 2018); *In re: Appeal of Elizabeth Campbell*, W-18-002, (Findings and Decision, Nov. 30, 2018).

¹⁸ Testimony of Gordon Clowers.

1 code amendments.¹⁹ He has conducted SEPA review for a wide variety of public proposals, including
2 neighborhood plans and comprehensive plan and development code amendments, such as the
3 Downtown Height and Density Rezone, the Livable South Downtown rezone, and the 2016
4 Comprehensive Plan update.²⁰ Before he began working for the City in 1998, he had previously spent
5 8 years working at an environmental consultant firm that specialized in the preparation of EIS's.²¹
6

7 SDCI complied with SEPA's procedural requirements by evaluating the SEPA checklist, the
8 Draft Director's Report, relevant comprehensive plan policies, SEPA policies and guidelines,
9 comment letters submitted by the public (including appellants), and other information before issuing
10 the DNS.²² Mr. Clowers also relied on his extensive knowledge and experience about growth
11 patterns and development in the City of Seattle.²³ SDCI provided extensive community outreach
12 to receive input from interested stakeholders that helped SDCI craft the proposal.²⁴
13

14 SDCI assessed the potential housing and land use impacts of the Proposal and did not discount
15 or ignore any category of concern expressed by the Appellants. The DNS includes a thorough
16 discussion and analysis of the potential for such impacts.²⁵ In fact, Mr. Clowers testified that he
17 approached the Proposal from a "skeptical viewpoint" in terms of its potential for significant adverse
18 impacts to future housing.²⁶ His stated goal was to "fully understand" the net real difference that the
19 regulations could have in terms of affecting future development.²⁷ After assessing the information,
20 Mr. Clowers concluded that the Proposal would not create differences that were meaningfully
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22
23 19 *Id.*
24 20 *Id.*
25 21 *Id.*
26 22 *Id.*
27 23 Testimony of Gordon Clowers.
28 24 City Ex. 16 (Community Outreach Report).
29 25 App. Ex. 1 at 11-15.
30 26 Testimony of Gordon Clowers.
31 27 *Id.*

1 significant as far as impacting development and the Proposal would not systematically change land
2 use development patterns or affect future development quantity on future sites.²⁸ He did not see a
3 scenario where there would be significant adverse impacts on land use or future housing.²⁹
4 Ultimately, SDCI properly concluded that the housing impacts would be generally neutral when
5 compared to the baseline, with some minor impacts on future development.³⁰
6

7 **1. SDCI assessed the extent that the amendments will continue to allow**
8 **developers to remove regulated trees to allow for development at full**
9 **capacity on a lot**

10 As a starting point, SDCI considered the current tree protection regulations in Chapter 25.11
11 of the Seattle Municipal Code and compared those regulations to the proposed amendments to
12 determine whether the flexibilities that allow for removal of regulated trees under the current code
13 would be changed in any way.³¹ Mr. Clowers expressly considered whether there would be new
14 regulatory elements that would be a discouraging factor to future development.³² He verified that the
15 intent of the new regulations was to maintain the identical or nearly identical flexibilities as exist in
16 the current regulations.

17 As the “applicant” (as distinguished from the responsible official), Chandra Emery developed
18 the proposal that was the subject of SDCI’s SEPA review.³³ She prepared a chart that compares the
19 existing tree regulations with the proposed amendments.³⁴ As Ms. Emery explained, the intention
20 of the Proposal is to allow developers to remove both significant and exceptional trees from a project
21 site to allow for development at full capacity in the same manner it is allowed currently.³⁵ In fact,
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23 ²⁸ Testimony of Gordon Clowers; App. Ex. 1 at 10-12.

24 ²⁹ *Id.*

25 ³⁰ *Id.*; App. Ex. 1.

26 ³¹ *Id.*

³² *Id.*

³³ *See also* City Ex. 15; Testimony of Chandra Emery.

³⁴ *See* City Ex. 15.

³⁵ *Id.* *See also* App. Ex. 3 at 15.

1 under the new code, developers will enjoy even greater flexibility than they have today to avoid
2 barriers caused by trees because they will be allowed to remove trees and then make a payment in-lieu
3 of planting new replacement trees onsite.³⁶ The payment in-lieu option is not available under the
4 current code.³⁷

5
6 It is also worth noting that, under the current code, in order to receive SDCI approval to
7 remove an exceptional tree, the project permit application is required to go through streamlined
8 design review, unless the project requires full design review for another reason. SMC
9 25.11.070.A.1 and .080.A.1. That will no longer be required under the amendments. By removing
10 the requirement for streamlined design review process for sites in Lowrise, Midrise, and
11 Commercial Zones and replacing that process with a Type I administrative review under the tree
12 code, the amendments will make the process for removing trees far less onerous than the existing
13 process.
14

15 SDCI’s assessment demonstrated that the proposal will not fundamentally reshape the
16 typical prevailing land use and development pattern within any given zoning designation or
17 neighborhood.³⁸ Among other reasons, this is partly because development “would still be possible
18 in many or most cases, and protecting regulated trees, as proposed, would not prohibit
19 development, but rather would require sensitivity in site design. Property owners may need to factor
20 trees into site plans and design considerations in future development proposals, to build structures
21 that may accommodate regulated trees to remain on-site even after development.”³⁹
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Id.

³⁷ City Ex. 15; Testimony of Chandra Emery.

³⁸ App. Ex. 1 at 10-12; Testimony of Gordon Clowers.

³⁹ App. Ex. 1 at 11.

1 **2. SDCI assessed how many development permits and lots in applicable**
2 **zones would be impacted by the Proposal.**

3 For its assessment of housing and land use impacts, SDCI quantified the estimated number
4 of newly regulated trees, the number of new sites affected by the regulated trees, and the increase in
5 permits per year related to tree removal under the amendments. SDCI Strategic Advisor Charles Spear,
6 an expert with decades of experience as a GIS developer and analyst, had the lead role in preparing
7 the methodology and analysis of the number of development sites that would be affected by the
8 Proposal.⁴⁰ Mr. Spear performed an analysis to estimate how many development permits would be
9 impacted by the changes in the new ordinance.⁴¹ He identified the “baseline,” or status quo, under
10 the City’s current tree protection regulations, and then utilized the City’s best available data to
11 identify and quantify the scope of the impact and the effect the proposal will have on the
12 environment.⁴² This analysis looked at the effect of using a definition of significant trees at 12” DSH
13 and exceptional trees at 24” DSH as compared to using the existing code definition for exceptional
14 trees.⁴³ This analysis employed the City’s 2016 Tree Canopy Assessment layer,⁴⁴ SDCI’s lot and
15 zoning layers, San Francisco (and Nationwide) tree data, and an Accela query of SDCI tree reviews
16 in 2020 and 2021.⁴⁵
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22 ⁴⁰ Testimony of Charles Spear.

23 ⁴¹ *Id.*; *See also* City Ex. 22.

24 ⁴² Testimony of Gordon Clowers; Testimony of Chandra Emery; *See also* City of Seattle’s Closing
25 Brief at 6-9.

26 ⁴³ App. Ex. 3 at 14.

⁴⁴ The Seattle Office of Sustainability & Environment (OSE) commissioned the 2016 Tree Canopy
Assessment to the University of Vermont Spatial Analysis Lab, which includes some of the world’s foremost experts
in urban tree canopy mapping. City Ex. 23 at 3; *Testimony of Patti Bakker* (Hearing Day 2, Part 1). Tree canopy was
mapped using the US Forest Service Urban Tree Canopy Assessment protocols, including the use of LiDAR (light
detection and ranging), aerial imagery, and GIS vector layers. *Id.* The 2016 LiDAR tree canopy assessment represents
the most accurate accounting of trees to date and the best available data for that purpose. *Id.*

⁴⁵ Testimony of Charles Spear; App. Ex. 3 at 14.

1 The results of Mr. Spear's analysis were summarized in Table 5 in the SEPA Draft Director's
2 Report.⁴⁶ Based on this analysis, SDCI estimated that about 4% of development sites in applicable
3 zones (6,480 out of 162,000) are already regulated under the current code.⁴⁷ With the new
4 definitions of "exceptional" and "significant" trees, SDCI estimates that about 19,440 additional
5 lots (beyond the current 6,480) in applicable zones would be regulated under the amendments if
6 adopted.⁴⁸ It is, therefore, evident from that report that there are 142,560 applicable lots in the City of
7 Seattle in single family, multi-family, and commercial zones that are not affected by the proposed
8 amendments.⁴⁹ The development of those 142,560 lots will contribute to future housing stock in the
9 City of Seattle regardless of the adoption of the new tree protections.⁵⁰ SDCI concluded that the
10 number of lots that will be newly affected by the amendments is a moderate number of lots in the
11 larger scheme of lots that are available for development in the City.
12

13
14 **3. SDCI considered the Proposal's impacts to housing and land use relative**
15 **to the larger context of current and potential future development trends**
16 **and housing growth in the City of Seattle overall.**

17 Mr. Clowers also reviewed information that revealed that a large amount of the properties that
18 are affected by the Proposal would be a lower density residential usage and, therefore, the overall
19 potential of the Proposal to affect the total amount of future growth potential was limited.⁵¹ In other
20 words, the information reviewed by Mr. Clowers demonstrated that the Proposal would have a greater
21 impact in the lower density zoned areas and, therefore, would be, on the whole, less likely to impair
22 future housing stock even if there is an impairment at all.⁵²
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24 ⁴⁶ App. Ex. 3 at 15.

25 ⁴⁷ *Id.*

26 ⁴⁸ *Id.* (12% of 162,000 = 19,440).

⁴⁹ *Id.* (162,000 – 19,440 = 142,560).

⁵⁰ Testimony of Chandra Emery.

⁵¹ City Ex. 22 at 12; Testimony of Gordon Clowers.

⁵² Testimony of Gordon Clowers.

1 As a backdrop to this assessment, the Comprehensive Plan designates six urban centers
2 (including Downtown, First Hill/Capitol Hill, South Lake Union) and twenty-four Urban Villages
3 throughout the City.⁵³ Per Seattle’s Urban Village strategy, most housing growth is required to occur
4 within those Urban Centers and Urban Villages.⁵⁴ The City recently adopted extensive citywide
5 upzoning from single-family to multi-family zoning in the Urban Centers and Urban Villages for the
6 purpose of increasing the residential development capacity in those areas.⁵⁵ Meanwhile, the
7 information reviewed by Mr. Clowers (as part of his assessment of housing impacts of the Proposal)
8 revealed that the majority of significant and exceptional trees that would be impacted by the Proposal
9 are not located in the multi-family zoning that is prevalent in Urban Centers and Urban Villages.⁵⁶ Mr.
10 Clowers also noted that fourteen of the fifteen Urban Centers or Villages that were assessed in the
11 fourth quarter 2021 Urban Center/Village Housing Unit Growth Report have already exceeded the
12 City’s growth targets for housing.⁵⁷ As a result, he concluded that growth targets in Urban Centers and
13 Villages were unlikely to be impaired by the Proposal.
14

15
16 **4. SDCI assessed the Proposal’s consistency with the City of Seattle**
17 **Comprehensive Plan Policies.**

18 SDCI also reviewed Seattle’s Comprehensive Plan and determined that the proposal is
19 consistent with the City’s goals and policies, specifically supporting the City’s Urban Forest
20 Management Plan and the Seattle Comprehensive Plan’s environmental-related goals, growth
21 strategy and housing goals, environmental and land use policies.⁵⁸
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24 ⁵³ City of Seattle Comprehensive Plan, Citywide Planning at 10.

25 ⁵⁴ *Id.*

26 ⁵⁵ Int. Ex. 11.

⁵⁶ Testimony of Gordon Clowers.

⁵⁷ City Ex. 28.

⁵⁸ Testimony of Chanda Emery; *See also* App. Ex. 2 at 22-24; App Ex. 3 at 22-24.

1 In summary, the threshold determination in this case was based on “information reasonably
2 sufficient to evaluate the environmental impact of a proposal.”⁵⁹ The record demonstrates that housing
3 and land use impacts were considered in a manner sufficient to amount to prima facie compliance with
4 the procedural requirements of SEPA and that the decision to issue a DNS was based on information
5 sufficient to evaluate the Proposal's environmental impact. The City properly concluded that the
6 Proposal will not have significant adverse housing or land use impacts.
7

8 On a final note, it is important to also keep in mind that Chandra Emery and Patti Baker
9 testified that their end goal was to balance the interests of all of the stakeholders, including the
10 developers.⁶⁰ And, as it turned out, the Proposal did incorporate provisions that favor developers over
11 proponents of tree protection. Although the Urban Forestry Commission (UFC) recommended that
12 more stringent tree protections be incorporated into the Proposal (such as requiring the (1) replacement
13 of all trees that are 6” DBH and larger, (2) replacement of trees at a larger ratio than one to one, and
14 (3) a tree inventory for building permit issuance), SDCI ultimately rejected those UFC
15 recommendations. The City’s Proposal decreased the level of protections recommended by the UFC
16 and, thereby, decreased the adverse impacts on the ability to develop affected lots. The amendments
17 themselves constitute a compromise that essentially resulted in “mitigation” of impacts to land use
18 and housing that otherwise may have occurred without those changes that were made to accommodate
19 developers.⁶¹
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24 ⁵⁹ WAC 197-11-335; WAC 197-11-330.

25 ⁶⁰ Testimony of Chandra Emery; Testimony of Patti Baker.

26 ⁶¹ During the cross examination of witness Margaret Staeheli, the attorney for MBAKS stated a number of facts about UFC member, David Moehring, that have no support whatsoever in the record. After the record was closed, it came to Intervenor’s counsel’s attention that those statements were false. Regardless, the Examiner should disregard those statements considering that they were not provided by any witness with knowledge under oath or via any documentary evidence in the record.

1 **C. Appellants did not meet their burden of presenting actual evidence of probable**
2 **significant adverse impacts from the proposal.**

3 Appellants did not meet their burden of presenting actual evidence of probable, significant
4 housing, land use, or traffic impacts caused by the proposal as is required by the Seattle Hearing
5 Examiner in DNS appeals. SEPA’s procedural provisions require consideration of “environmental
6 impacts..., with attention to impacts that are likely, not merely speculative.”⁶² Under SEPA,
7 “probable” means “likely or reasonably likely to occur,” and the term “is used to distinguish likely
8 impacts from those that merely have a possibility of occurring, but are remote or speculative.”⁶³
9

10 Appellants’ argument that the proposed amendments will increase the costs of development,
11 will introduce more uncertainty into the development process, and will make the process more
12 problematic was based on speculation, not an actual analysis of their own.⁶⁴ Furthermore, Appellants
13 made no connection between the increase in time or costs of development on the lots that will be
14 affected by the amendments and actual impacts on future housing overall in the City.⁶⁵ A complaint
15 that development will be more expensive, uncertain, and problematic on some unidentified number of
16 lots is not itself enough to demonstrate that the amendments will actually have significant adverse
17 impacts to future housing in the City. Even if it is possible that development on some unknown
18 number of affected lots will be more expensive, uncertain, and problematic as a result of the
19 amendments, the appellants introduced no evidence to demonstrate that this will likely result in a
20 significant adverse impact on housing availability overall in the City. They made no attempt to connect
21 the dots. The fact that development will be more expensive, uncertain, and problematic on a certain
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25 ⁶² SMC 25.05.060.D.1.

26 ⁶³ SMC 25.05.782.

⁶⁴ Testimony of Lucas Deherrera; Testimony of Michael Pollard; Testimony of Todd Britsch.

⁶⁵ *Id.*

1 number of lots primarily in single-family zones is not a de facto significant adverse impact to future
2 housing in the City.

3 Appellants' claims that developers will not develop properties that have regulated trees on
4 them is belied by the evidence in the record. The mere presence of regulated trees on property certainly
5 has not stopped developers from developing properties under the current code.⁶⁶ Deborah McGarry, a
6 Senior Environmental Analyst at SDCI, is responsible for reviewing tree removal applications for
7 exceptional trees under the current code.⁶⁷ She testified that the City of Seattle currently has three
8 employees who conduct tree permit review under the current code.⁶⁸ Considering that there are enough
9 tree removal applications to keep three SDCI employees busy, developers are obviously moving
10 forward with projects on sites that have trees on them.
11

12 Appellants spent a great deal of time complaining about the fact that the process for removing
13 trees under the current code is time consuming and difficult.⁶⁹ The amendments address that problem
14 directly by removing the requirement that every developer who wants to remove an exceptional tree
15 go through the Streamlined Design Review process. That also removes the substantive requirement
16 that projects be consistent with all of the design guidelines. Under the amendments, applying for tree
17 removal will be a far less onerous process than it is under the current code.
18

19 After hearing all of the appellants' witnesses, all of the City's witnesses, the responsible
20 official, Gordon Clowers testified that he still believed that a DNS was appropriate. As he testified,
21 developers' perceptions about whether it is worthwhile to develop on a site indicates a preference of
22 risk rather than avoidance entirely. There are developers who will develop these sites. Causing traffic
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⁶⁶ App. Ex. 3 at 15; App. Ex.'s 27-28; Testimony of Deborah McGarry.
⁶⁷ Testimony of Deborah McGarry.
⁶⁸ *Id.*
⁶⁹ Testimony of Lucas Deherrera; Testimony of Roque Deherra.

1 impacts is far-fetched. Appellants did not provide any real support for the likelihood of significant
2 adverse impacts in their presentation.

3 **CONCLUSION**

4 For the foregoing reasons, Intervenor TreePAC requests that the Hearing Examiner deny the
5 MBAKs et. al. SEPA appeal and uphold the City's SEPA threshold determination.
6

7 Dated this 11th day of July, 2022.

8 Respectfully submitted,

9 BRICKLIN & NEWMAN, LLP

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13 By:



14 Claudia M. Newman, WSBA No. 24928
15 Attorneys for TreePAC
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