

**FINDINGS AND DECISION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Appeal of

Hearing Examiner File:  
**W-10-005**

**SEATTLE COMMUNITY COUNCIL  
FEDERATION, et al.**

from a Determination of Non-significance  
issued by the Director, Department of  
Planning and Development

**Introduction**

The Director of the Department of Planning and Development issued a Determination of Nonsignificance pursuant to SEPA, Chapter 25.05 SMC, for a proposed ordinance that would amend the Land Use Code, Title 23 SMC, and SEPA primarily with respect to lowrise multifamily zones. The Seattle Community Council Federation, et al., appealed the Determination of Nonsignificance.

The appeal hearing was held before the Hearing Examiner (Examiner) on July 26, 28 and 29, and August 1, 2010. Parties represented at the hearing were the Seattle Community Council Federation, et al. (Appellants), by Toby Thaler, attorney-at-law; and the Director of the Department of Planning and Development (Director or Department), by Robert D. Tobin, Assistant City Attorney. The record was held open through September 20, 2010 for the parties' post-hearing briefs.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code (SMC or Code) unless otherwise indicated. After considering the evidence in the record, the Examiner enters the following findings of fact, conclusions and decision on the appeal.

**Findings of Fact**

**Background**

1. The multifamily zone provisions of the Land Use Code were last amended in 1989. The environmental impact statement (EIS) prepared for those amendments estimated that they would provide the capacity for an additional 35,300 housing units in the lowrise zones. However the Department's recent review of capacity in those zones determined that they have a capacity of only 26,800 units. The Department attributes the difference to certain restrictions within existing development standards that have resulted in extensive development of auto court townhouses, rather than apartment buildings, within

the lowrise zones. These townhouses are normally built below the density allowed in the zone.

2. In 2005, the Director began a review and update of the multifamily provisions of the Land Use Code. In September of 2008, the Director forwarded to the Council an extensive report and recommendation on multifamily amendments. (Exhibits 5 and 5A.) The report covered proposed changes to all multifamily zones, including the lowrise zones. In the report, the Director reviewed the three plus-year process for developing the proposed amendments, including the background research and assessment of issues and conditions in multifamily neighborhoods, meetings with neighborhood groups and development professionals, public review and comment and initial environmental review. The report also covered the key objectives of the amendment; permitted, prohibited and conditional uses; development standards, including density, floor area ratios, height limits, etc.; a proposed workforce housing incentive; and measures to encourage reuse of existing single-family structures within the multifamily zones.

3. Pursuant to SEPA, the Director issued a Determination of Nonsignificance (DNS) for the proposed amendments in July of 2008. The DNS was not appealed.

4. The Council began work on the multifamily update in 2009. In August of 2009, the Council separated the proposed amendments to the lowrise multifamily provisions from the rest of the proposal. They also recruited three teams of architects and builders to test the proposal by developing the best- and worst-case designs that could be permitted under the Director's 2008 draft of the proposed lowrise multifamily amendments. The teams presented the hypothetical projects to the Council in September of 2009 along with recommendations for changes to the proposal. The Council considered the information before them and determined that the lowrise amendments needed additional work, which the Council began in 2010.

5. The Council's Committee on the Built Environment held a series of six meetings at which it discussed numerous issues related to the proposal. These issues were also addressed in a series of six issue papers. See Exhibits 6B through 6G.

#### Proposal

6. Some of the stated goals for the proposed amendments are to foster better-designed buildings without adding to construction costs, maintain the scale and density of housing within the lowrise zones while promoting greater variety in housing types, and promoting sustainable development.

7. A detailed comparison of the proposed lowrise multifamily amendments with existing regulations is found in the attachment to Exhibit 2, the SEPA Checklist.

8. The proposal would combine the existing five lowrise zones (Lowrise Duplex Triplex, Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4) into three zones (Lowrise (LR)1, LR2,

and LR3). Development regulations would vary according to housing type, with differences established for cottage housing, rowhouses, townhouses, townhouses with auto courts and apartments.

9. Height limits within the LR1 and LR2 zones would increase from 25 feet to 30 feet, the height limit presently allowed in single-family zones. In the LR3 zone, heights would remain at 30 feet for all development types except apartments located within "growth areas," which would have a 40-foot height limit. "Growth areas" are defined by the Department as urban centers, urban villages and station overlay areas.

10. Instead of lot coverage limits, floor area ratio limits (FAR) would be used in combination with other development standards to regulate building bulk. Development standards under the proposal would allow approximately 30% to 54% lot coverage, whereas existing standards allow approximately 35 % to 50 % coverage.

11. Density limits would be established by housing type and design, with rowhouses having no density limit in any zone. In the LR2 and LR3 zones, the density for auto court townhouses would be reduced. Density limits for other townhouses and apartments would be similar to current limits, although density limits could be increased in exchange for use of certain desirable design features.

12. Detailed design standards that focus on street appearance would be added for each housing type. Entrances would often be required to face the street. Setbacks would be generally smaller, allowing more flexibility in the placement of structures on the site.

13. Existing open space requirements would be replaced with public amenity space requirements that would be based on the square footage of the total building area in residential use or, for apartments, based on the number of units. Part of the amenity space would be required to be provided at grade. There would be flexibility allowed in the type of amenity space and the amount that is common or private.

14. Prototype models developed by the Department as the proposal evolved resulted in typical amenity spaces of 23 feet by 50 feet for apartment buildings, and 10 feet by 25 feet for other types of allowed development.

15. Existing, specific landscaping requirements would be replaced with the City's Green Factor landscaping requirement that allows developers to select from weighted options on a landscaping "menu" to reach a required total landscaping "score".

16. The Green Factor provides more credits for preserving existing trees than for replacing them and encourages landscaping at grade. The Department found in its prototype models that application of the Green Factor to lowrise development always resulted in landscaping with more trees than the number that would be provided under existing regulations.

17. The proposal would remove the existing prohibition on the use of alleys to access development in Lowrise zones, and in most cases, alley access to parking would be required if available. Existing on-site parking requirements would also be eliminated for development that is within an urban village and within one quarter of a mile of "frequent transit service," (defined as transit service with published headways of 15 minutes or less for at least 12 hours per day, six days per week, and 30 minutes or less for at least 18 hours every day).

18. The Department's housing capacity analysis showed that the proposal would provide an approximate 10 percent overall increase in development capacity within the total area zoned for lowrise development. Within the City's 3,780 acres of lowrise zoning, this would equate over the 14-year planning period to additional capacity of 3,576 units above the number of units anticipated and analyzed in the 1989 EIS. Past trends have shown that less than half of the development capacity in any of the lowrise zones is used to accommodate the established 20-year growth targets. The number of units that actually would be built would depend upon many factors, such as market conditions and demand.

19. The Director's proposal included a measure that provided incentives for low-income housing in the lowrise zones. This was removed by the Council after a consultant's study showed that the yield relative to development costs would be negative and thus, developers were unlikely to take advantage of the incentive measure.

#### SEPA Review

20. In light of the changes to the proposal that followed publication of the first DNS, the Department prepared a revised SEPA checklist. Exhibit 2. In preparing the checklist, the Department reviewed the proposed amendments (Exhibit 3) and the Director's report to the Council (Exhibit 5 and 5A). In addition, the Department considered a draft of a Council memorandum summarizing the changes made by the proposal (Exhibit 4), several memos analyzing various aspects of the proposal that were prepared by Council staff in consultation with the Department and the Seattle Department of Transportation (Exhibits 6A through 6F), the Department's housing capacity analysis (Exhibit 16), various prototypes prepared by the Department, and other analyses of the proposal (*see, e.g.,* Exhibit 48 on development trends and capacity within the multifamily zones relative to Comprehensive Plan goals and policies).

21. At hearing, the Director discovered a typographical error in the SEPA checklist, Exhibit 2, and addressed it. On page 20, under paragraph D.1, the checklist states, "There may be marginally increased storm water runoff from greater lot coverages in certain zones, although this is regulated by ordinances listed below." However on page 4, under paragraph B.1.g, it states that, "The proposal would result in an appreciably greater amount of impervious covering compared to what existing zoning provisions allow." The Director clarified that the word "not" was inadvertently omitted between "would" and "results" in this sentence. As corrected, paragraph B.1.g on page 4 is consistent with paragraph D.1 on page 20.

22. The Director reviewed the Department's SEPA checklist, a copy of the proposed amendments, a draft of the Council memorandum summarizing the changes made by the proposal, and "other information about the proposal on file with the Department" (exhibit 1 at 10). The Director determined that the proposed amendments would not result in any significant, adverse environmental impacts, and therefore prepared a second DNS. The public review draft of the proposed lowrise amendments and the second DNS were both issued on April 22, 2010. Exhibits 1, 3 and 4.

### Appeal

23. The Appellants timely appealed the Director's April 22, 2010 DNS. They assert that the DNS is clearly erroneous for failure to sufficiently analyze the impacts of the proposed legislation on several elements of the environment. They ask that the DNS be reversed. Some of the Appellants' claims were dismissed by order following briefing on the Department's motion to dismiss.

### Applicable Law

24. SMC 25.05.752 defines "Impacts" as "the effects or consequences of actions. Environmental impacts are effects upon the elements of the environment listed in Section 25.05.444."

25. "A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from *growth caused by a proposal ....*" SMC 25.05.060 D (emphasis added).

26. That City's codification of SEPA includes a "cumulative effects policy":

#### A. Policy Background

1. A project or action which by itself does not create undue impacts on the environment may create undue impacts when combined with the cumulative effects of prior or simultaneous developments; further, it may directly induce other developments, due to a causal relationship, which will adversely affect the environment.

2. An individual project may have an adverse impact on the environment or public facilities and services which, though acceptable in isolation, could not be sustained given the probable development of subsequent projects with similar impacts.

The Code then states the policy as a requirement for a "reasonable assessment of" the capacity of public facilities (such as "sewers, storm drains, solid waste disposal, parks, schools, streets, utilities, and parking areas") and services (such as "transit, health, police and fire protection and social services") that "serve the area affected by the proposal," the capacity of natural systems "to absorb the direct and reasonably anticipated indirect

impacts of the proposal," and the "demand upon facilities, services and natural systems of present, simultaneous and known future development in the area of the project or action." SMC 25.05.670.B.

27. "Probable" is defined in SMC 25.05.782 as "likely or reasonably likely to occur...."

28. SMC 25.05.794 defines "significant" as "a reasonable likelihood of more than a moderate adverse impact on environmental quality."

29. SMC 25.05.330 directs that, in making the threshold determination, the responsible official shall determine "if the proposal is likely to have a probable significant adverse environmental impact". If the responsible official reasonably believes that a proposal may have such an impact, an environmental impact statement is normally required. *Id.* If the responsible official determines that there will be no probable significant adverse environmental impact, a determination of nonsignificance is to be issued. SMC 25.05.340.

30. The City's SEPA Overview Policy states, in part, that "[m]any environmental concerns have been incorporated in the City's codes and development regulations. Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject certain exceptions not applicable here.

### Conclusions

1. The Hearing Examiner has jurisdiction over this appeal pursuant to SMC 25.05.680. The Director's DNS is to be accorded substantial weight, and the party appealing it bears the burden of proving that it is "clearly erroneous". SMC 25.05.680 B.3. A decision is clearly erroneous if the Examiner is "left with a definite and firm conviction that a mistake has been committed." *Moss Bellingham*, 109 Wn. App 6, 13, 31 P.3d 703 (2001)(citations omitted). The reviewing body may not substitute its judgment for the decisionmaker, but instead, examines the record and all the evidence in light of the public policy underlying SEPA. *Association of Rural Residents v. Kitsap Cy.*, 141 Wn. 2d 185, 196-195, 4 P.3d 115 (2000)(citations omitted). The record must demonstrate that "environmental factors were considered in a manner sufficient to amount to prima facie compliance with the procedural requirements of SEPA," and that the decision to issue the DNS was based on "information sufficient to evaluate the proposal's environmental impact." *Anderson v. Pierce County*, 86 Wn. App. 290, 302, 936 P.2d 432 (1997).

2. The courts have held that the policy underlying SEPA is "to promote the policy of fully informed decision making by government bodies" to ensure that environmental values are given appropriate consideration. *Moss Bellingham supra* at 14, quoting *Norway Hill Preservation and Protection Assoc. v. King Cy. Council*, 87 Wn.2d 267, 272, 552 P.2d 674 (1976).

3. The Appellants argue that the proposal is not sufficiently definite at this point to allow meaningful environmental review because the Council may revise the proposal during its deliberations. A legislative body frequently has the option of revising a proposal it considers, but that does not mean that SEPA analysis should be delayed until every detail is locked in. SEPA requires that the lead agency prepare a threshold determination "at the earliest possible point in the planning and decision-making process, when the principal features of the proposal and its environmental impacts can be reasonably identified." SMC 25.05.055.A. There is no evidence that the principal features of this proposal are unclear, and delaying the threshold determination to the conclusion of the Council process would thwart SEPA's policy that decisionmakers receive environmental information for consideration prior to the decision point. *See* SMC 25.05.055.B.2; *Moss Bellingham supra*. Further, if the Council were to substantially change the proposal, SEPA would require that the DNS be withdrawn and a new threshold determination issued. *See* SMC 25.05.340.C.

4. The Appellants allege that what they consider "public safety" impacts from the existing lowrise Code have not been evaluated or considered. They cite fire hazards that they assert are inherent in "substandard access easements" allowed for townhouse developments created through the unit lot subdivision process. However SEPA requires the analysis of a proposal's impacts on "public services," not "public safety," *see* SMC 25.05.444.B.4, and the Appellants have not presented evidence that the proposal would have any impact on police or fire protection services. Moreover, the Appellant's argument is not germane to the proposal at hand. Rather, they argue that the proposal does not go far enough, and that it should be determined incomplete because it does not solve what the Appellants see as a problem with the City's unit lot subdivision process. But nothing in SEPA requires the Council to resolve all potential problems with the Land Use Code in one proposal.

5. The Department's impact disclosure within the SEPA checklist and thus, the DNS, are largely based upon the Department's development capacity analysis for the lowrise zones, Exhibit 16. *See also*, Exhibit 58. That analysis shows that under the proposal, there would be just a 10 percent increase in overall development capacity within the total area zoned for lowrise development. Further, the evidence shows that the growth that actually occurs seldom approaches the estimated capacity. Under current development patterns, growth forecasts for the year 2024 show approximately 18,500 units being developed within multifamily zones. That number would be likely to increase slightly under the proposal.

6. The Department provided a cogent explanation of the methodology used for the development capacity analysis and the basis for the assumptions underlying it. Although the Appellants' appeal reflects a misunderstanding of the Department's capacity analysis, resulting in a mistaken assumption that the proposal would result in 12,000 additional units of housing, the appeal does not challenge the analysis.

7. The Appellants contend that the DNS is based upon incomplete and inaccurate information concerning the proposal's impacts on water quality and plants, specifically large trees, as a result of increases in impervious surface. This contention is based on the Appellants' assumption that the proposal will result in a substantial increase in development within the lowrise zones and an attendant increase in impervious surface. As noted above, the underlying assumption is incorrect. Further, an increase in housing capacity does not automatically result in an increase in impervious surface. For example, apartment development increases density but occupies a smaller amount of land per resident than does townhouse development, and the proposal is designed to encourage apartment development in certain lowrise zones. The evidence shows that the proposal may result in a slight increase in lot coverage, and thus impervious surface, within some lowrise zones and a slight decrease in others. However, the proposal's use of FAR, together with density limits, amenity space requirements and setbacks, is designed to limit the footprint of future development.

8. The evidence shows that overall lot coverage is important to tree health. Although the Department's landscape expert agreed with the Appellants that a seven-foot setback would be insufficient space for growth of a large tree, he explained that in prototype analysis, the proposal's combination of FAR, density limits, setbacks and amenity space requirements resulted in much bigger available spaces that would accommodate trees with large canopies. On this record, it appears that the proposed development standards, including the Green Factor, would result in at least as many large trees as would be planted under existing regulations.

9. Appellants dispute the efficacy of the Green Factor as a landscaping requirement, arguing that it employs unproven and expensive measures. However the evidence shows that under the Green Factor scoring system, the cheapest way for a developer to meet the landscaping obligation is to preserve trees and plant trees and shrubs. In zones where the system is already in place, developers use trees and shrubs for at grade landscaping to the maximum extent possible before turning to more innovative, and potentially expensive measures.

10. With respect to water quality impacts, the Appellants argue that design alternatives and smaller setbacks allowed by the proposal will lead to an increase in overall impervious surface and thereby increase stormwater runoff. But, again, lot coverage achievable under the proposed and under existing regulations is similar. The evidence in the record does not support the Appellants' claim that the proposal will allow creation of "largely impervious lots" that might negatively impact stormwater control. Moreover, under the SEPA Overview Policy, stormwater impacts are largely controlled through the requirements of the Stormwater Code and Manual rather than through SEPA.

11. The Appellants also dispute the statement in the DNS that "most of the area affected by the proposed action is dominated by impervious surfaces (such as paving and rooftops) with some amount of vegetation (e.g., street trees and landscaped areas) and few animals other than birds, insects and mammals commonly found in developed urban



areas." Exhibit 1 at 3. They claim there is no data or analysis in the record to support the statement. However this is a statement of observable fact and requires no analysis. The Examiner takes notice of the fact that the City is a developed, urban area generally characterized by the built environment, including structures, parking areas, improved rights-of-way, and other impervious surfaces, with a relatively small amount of vegetated area.

12. The Appellants claim that the DNS failed to evaluate the impacts on water quality caused by the proposal's removal of on-site parking requirements for development located within an urban village and one-quarter mile of frequent transit service. The claim is based on the assumption that the absence of a parking requirement will result in developers eliminating on-site parking and cars being moved to the streets, thereby shifting the costs of their impact on water quality to the public. However, there is no basis in the record for the assumption that developers within lowrise zones will eliminate on-site parking. The evidence shows that in other zones where on-site parking requirements were removed, developers still provide parking at a rate that is based upon market demand, not City regulation. The Appellants' claim also assumes that garages provided in the extensive townhouse developments within lowrise zones are used for parking. The Appellants cited no basis for the assumption, and the City's experience is that the garages are frequently used for storage by townhouse residents who then park their cars on the street. Finally, even assuming an increase in the number of cars parked on the street, stormwater runoff from City streets is subject to stormwater control and treatment requirements to protect water quality.

13. The Appellants allege that the DNS failed to analyze the proposal's impacts on historic homes in the Fremont neighborhood. The DNS addresses historic sites and districts, noting that 53 designated landmark structures or sites are located within the multifamily zones and that any attempt to redevelop them would be subject to the Landmarks Preservation Ordinance. Exhibit 1 at 4. The DNS also states that there are lowrise zones included within two of the City's historic districts, and that development standards included in the landmark district guidelines would apply to redevelopment within those districts. The DNS does not analyze potential impacts of the proposal on the homes within a particular block in Fremont that were addressed at hearing by one of the Appellants' experts. The Appellants cite no SEPA provision that would require such site specific analysis for a nonproject action, and the Examiner knows of none. Further, the parcels on which the homes are located are already subject to potential redevelopment under existing regulations.

14. The Appellants assert that the DNS is clearly erroneous because it failed to properly analyze the proposal's impacts on the availability of affordable housing and the resulting displacement of low income people. The DNS addresses the impact on affordable housing in light of the minimal increase in overall development capacity that would result from the proposal. Because the amount of growth in the lowrise zones is not expected to change appreciably, the DNS concludes that a significant increase in the number of existing units lost to future redevelopment is unlikely. Exhibit 1 at 7. Some of the

Appellants' housing experts testified that the proposal will increase the demolition of existing affordable housing within lowrise zones. However, their opinions were based on the incorrect assumption that the proposal would result in significant development in those zones. The Department's housing expert concluded that because of the minimal increase in allowed density, the proposal's impact on existing low-income housing would be negligible, and that the number of sites that would be redeveloped would be approximately the same or lower than the number being redeveloped under existing regulations, depending upon the density level that could be achieved on a site under the proposal.

15. The Appellants argue that any increase in available density will increase the value of land and thereby create pressure for redevelopment. The housing testimony shows that the issue is more complex than that. Landowners consider many factors in addition to land value when determining whether to sell for redevelopment, and an increase in density does not necessarily spur redevelopment if other requirements, such as market demand and funding, are not in place.

16. The housing experts agreed that under both existing regulations and the proposal, there would not be sufficiently high densities available to make moderate or large low-income housing financially feasible for a developer. However, the City's housing expert believed that because it would reduce development costs, the proposal's elimination of the on-site parking requirement could provide an incentive for development of smaller scale low-income housing within some lowrise zones.

17. The Appellants claim that the DNS fails to analyze the cumulative impacts of the proposal on the availability of affordable housing, but they do not examine the issue of affordable housing in light of the SEPA cumulative effects policy, SMC 25.05.670. The policy applies to "public facilities" and "public services," but affordable housing does not fit within either category. Therefore, analysis of any cumulative effects of the proposal on the availability of affordable housing was not required.

18. Although the proposal could be revised to "do more," such as include the incentives for affordable housing that the Appellants desire, the DNS evaluating the impacts of *this* proposal was not shown to be clearly erroneous as to housing impacts.

19. The Appellants allege that the DNS is based on incomplete and inaccurate information concerning the proposal's impacts on land use. The missing information is apparently that supplied by the Appellants' architects, who testified about problems created by regulations adopted for the lowrise zones in 1982, which apparently eliminated most prescriptive requirements, and the 1989 amendments that were adopted to resolve those problems. The Appellants express concern that the proposal represents a return to the regulatory environment prior to the 1989 amendments and assert that the DNS fails to analyze how the old problems will be avoided. The City's architect testified that he agreed that the proposal initially lacked sufficient development standards, but noted that one of the most significant changes to the proposal at the Council level was the

addition of numerous prescriptive standards. He also stated, in response to the Appellants' concerns about the potential for "boxy" buildings, that it is highly unlikely that roof forms seen today will change since the proposal retains a height bonus for pitched roofs. Overall, the evidence shows that unlike the 1982 amendments, the proposal now includes a suite of prescriptive development regulations that work together with FAR to limit the height, bulk and scale of buildings.

20. The Appellants also argue that an inadequate number of applicable Comprehensive Plan neighborhood policies were considered. This is apparently an argument that the DNS fails to consider "[L]and and shoreline impacts," specifically the proposal's "[r]elationship to existing land use plans". SMC 25.05.444.B.2.a. However the Appellants do not identify any specific policies that should have been included or indicate how they believe the proposal might be inconsistent with them.

21. The Appellants allege that the DNS is based on incomplete and inaccurate information concerning the proposal's impacts on parking, and point specifically to the proposal's elimination of the on-site parking requirement in lowrise zones. They contend that the proposal includes a flawed assumption that those living within growth areas and within easy access to frequent transit will not own cars. But as noted above, the DNS recites the expectation that developers would continue to offer on-site parking in accordance with demand, as they do in other zones where the parking requirement has been eliminated. Exhibit 1 at 9-10. The reduction in parking demand is expected to be gradual. The Appellants also note that transit service will likely be reduced by King County Metro because of impending budget problems. However, if a reduction in service results in a lot no longer qualifying as having "frequent transit service," the requirement for on-site parking would be restored for that lot. There is no error here.

22. The Appellants offered no evidence on the following appeal issues, and they are therefore **DISMISSED**: b.viii (infrastructure); c.i (cumulative effect of zoning changes in adjacent areas); c.iii (animal habitat); c.v (availability of parking in neighborhoods); c.vi (net increase in CO<sub>2</sub>); and e.iii (specific SEPA housing policies).


23. The record demonstrates that the Director considered environmental factors relevant to the proposal in a manner that constitutes prima facie compliance with SEPA's procedural requirements, and that the DNS was based on information sufficient to evaluate the proposal's impacts.

24. The Appellants have not met their burden of demonstrating that the Director's DNS was clearly erroneous, and it should therefore be affirmed.

### **Decision**

The Director's Determination of Nonsignificance is **AFFIRMED**.

Entered this 5<sup>th</sup> day of October, 2010.

  
Sue A. Tanner  
Hearing Examiner

**Concerning Further Review**

**NOTE:** It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

The decision of the Hearing Examiner in this case is the final SEPA decision for the City of Seattle. Judicial review under SEPA must be of the decision on the underlying governmental action together with its accompanying environmental determination. Consult applicable local and state law, including SMC Chapter 25.05 and RCW 43.21C.076, for further information about the appeal process.

If a transcript of the hearing is required by superior court, the person seeking review must arrange for and initially bear the cost of preparing a verbatim transcript of the hearing. Instructions for preparation of the transcript are available from the Office of Hearing Examiner, Room 1320, 618 Second Avenue, Seattle, Washington 98104, (206) 684-0521.

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