

1 BEFORE THE HEARING EXAMINER OF
2 THE CITY OF SEATTLE, WASHINGTON

3 Lake Washington Working Families,
4 Appellant

HEARING EXAMINER FILE:
W-25-008

5 JSA CIVIL, LLC; and WINCO FOODS,
6 LLC;
Applicant

DEPARTMENT REFERENCE NO.:
3042320-LU
Ryan Vancil
City of Seattle Hearing Examiner

7 In the Matter of the Appeal from a
8 Determination of Non-Significance issued
9 by the Director of the Seattle Department
of Construction and Inspection

APPELLANT'S CLOSING BRIEF

10 **BACKGROUND**

11 This Hearing was convened to resolve an appeal by Lake Washington Working
12 Families ("LWWF" and/or "Appellant"). The appeal is of a decision by the City of Seattle
13 ("City") to approve Application 3042320-LU (a Master Use Permit) at 13550 Aurora
14 Avenue North. That application seeks to renovate the vacant building and parking lot
15 into a WinCo grocery store.¹ The appeal challenges the adequacy of the City's SEPA
16 process and decision to issue a Determination of Non-Significance ("DNS").

17 **STANDING**

18 WinCo, the Applicant, has suggested that LWWF lacks standing to appeal this
19 decision. WinCo's argument seemed based on the theory that an organization must be
20 a legal entity, capable of suing and being sued, in order to appeal. In other words,
21

22 _____
¹ There was, seven or more years ago, a Sam's Club operated at this location. All witnesses agreed no such operation has existed for at least the last seven years, and perhaps even for longer (there was uncontradicted testimony from traffic expert Mr. Nys - Video testimony at 01:57:00 - and a Report by him - HE Ex. #13, p.3 - indicating that the Sam's Club ceased operations in either 2018 or 2017 - which would have actually been 8 or 9 years of vacancy at the site).

1 WinCo wants the Hearings Examiner to graft an organizational standing requirement,
2 onto the separate and distinct recognized basis for Associational standing (i.e. that the
3 Association bringing the claim is representing the interests of one or more members
4 who would themselves have standing).

5 The Applicant has not (so far) cited any case law to support its contention. The
6 applicant did make reference to a Hearings Examiner decision in an appeal of a permit
7 in Renton Washington. That that appeal (not in evidence, nor relevant here) and that
8 decision (also not in evidence or relevant) were under a different City Code with
9 different standing requirements than the Seattle’s Municipal Code. Nothing about a
10 hearing result in a different jurisdiction, regarding a different Municipal Code, brought
11 under a different kind of challenge,² is in any way relevant to the appeal decision
12 currently pending before this Hearings Examiner.

13 The SMC Standing section states that an appeal may be made by “**any** person
14 significantly affected by or **interested in** the permit.” SMC 23.76.022(C)(2)(emphasis
15 added). SMC 3.02.020 defines ‘person’ as: “**any** individual, partnership, corporation,
16 association, or public or private **organization of any character** significantly affected by
17 or interested in proceedings before an agency...” (emphasis added).

18 There is nothing in the SMC requiring the sort of incorporation that the Applicant
19 claims as a pre-requisite to standing. The Code is clear, unambiguous, and provides an
20 incredibly broad standard for standing.

21 LWWF is clearly an organization of “any character.” The Oxford Advanced
22 American Dictionary defines organization as: “a group of people who form a business,

² As noted, the Renton decision is not in evidence, nor did the witness who referenced it accurately describe it. That was not, in fact, a SEPA appeal like the matter at hand.

1 club, etc. together in order to achieve a particular aim.”³ By that, and by any rational
2 definition, LWWF, as a “coalition of...King County residents”⁴ is an organization.

3 If the City had wanted to limit the types of organization able to appeal its
4 decisions, it would have adopted a more narrow definition in the Code.⁵ By making the
5 choice to not do so, and to explicitly include organizations of “any character,” the City
6 established a broad, liberal standard. It is plain that LWWF fits within that standard, and
7 so is an entity with standing to appeal this matter - notwithstanding the fact that LWWF
8 is not the sort of entity that WinCo prefers.

9 RELIEF SOUGHT & STANDARD OF REVIEW

10 LWWF appealed and sought an adequate SEPA review by the City.
11 Notwithstanding the attempted mischaracterization by WinCo, LWWF specifically asked
12 for **either** an Environmental Impact Statement (“EIS”) **or** a more properly conditioned
13 Mitigated Determination of Non-Significance (“MDNS”) **or** a DNS with necessary
14 conditions to address gaps in the SEPA analysis and process.⁶ Of note, when the City
15 last engaged in a SEPA analysis of this site, back in 2003, a DNS with conditions is
16 precisely what they did.⁷

18 ³ See, https://www.oxfordlearnersdictionaries.com/definition/american_english/organization. Visited on
19 02/06/2026.

20 ⁴ LWWF Mission Statement, HE Ex. #9.

21 ⁵ The Applicant asserted at the Hearing that there might be potential issues that could arise if this case is
22 appealed to Superior Court. LWWF does not think that is the case. Counsel for LWWF could, for
example, simply accept service if that was required. In any event, WinCo is free to raise any hypothetical
issues it sees with the Superior Court, if the case goes up on Appeal. However, none of those arguments
are relevant to the Standing determination that the Hearings Examiner has to make, based on the Seattle
Municipal Code.

⁶ See, LWWF Appeal Letter, HE Ex.#8, p.2.

⁷ See, 2003 SEPA Determination, HE Ex.#20, p.2.

1 SEPA threshold determinations are reviewed under a “clearly erroneous”
2 standard. RCW 36.70C.130(1)(d). “A decision is clearly erroneous when the [Hearings
3 Examiner] is left with the definite and firm conviction that a mistake has been
4 committed.” *Ass’n of Rural Residents v. Kitsap Co.*, 141 Wn.2d 185, 195-96, 4 P.3d 115
5 (2000).

6 LEGAL FRAMEWORK

7 SEPA is procedural in nature, but is implemented to give a substantive result – to
8 ensure that each person’s “fundamental and inalienable right to a healthful environment”
9 is upheld, and that each person’s “responsibility to contribute to the preservation and
10 enhancement of the environment” is enforced. RCW 43.21C.020(3). At this stage in the
11 SEPA process, the key question being asked – and appealed – is whether the project
12 satisfies the threshold determination of whether the action will result in “probable
13 significant adverse environmental impacts.” WAC 197-11-330. If yes, the project cannot
14 proceed without an EIS, or an MDNS if the project’s impacts can be mitigated with
15 conditions. If no, the project proceeds and the approving agency issues a Determination
16 of No-Significance (DNS).

17 The validity of an agency’s threshold SEPA determination is assessed by
18 “determining whether the environmental factors were ‘evaluated to such an extent as to
19 constitute prima facie compliance with SEPA procedural requirements.’” *Wild Fish
20 Conservancy v. Dep’t of Fish & Wildlife*, 198 Wn.2d 846, 873 (2022) (quoting *Hayden v.
21 City of Port Townsend*, 93 Wn.2d 870, 880 (1980) *overruled on other grounds by Save
22 a Neigh. Env’t (SANE) v. City of Seattle*, 101 Wn.2d 280, 286 n.1 (1984)).

It is requisite that agencies must ‘show their work,’ when making SEPA

1 determinations. In evaluating whether that work was undertaken in compliance with the
2 law, Washington courts look at “whether the decision was ’based on information
3 sufficient to evaluate the proposal’s environmental impact.” *Wild Fish Conservancy*, 198
4 Wn.2d at 873. To ensure that the process is carried out with necessary rigor, it must be
5 “rational and well-documented.” *Columbia Riverkeeper v. Port of Vancouver USA*, 188
6 Wn.2d 80, 92 (2017).

7 To accurately assess a project’s impacts on the environment, agencies must first
8 evaluate the “baseline” conditions in the project area.⁸ This is crucial in determining
9 whether an impact is significant. “Significant as used in SEPA means a reasonable
10 likelihood of more than a moderate adverse impact on environmental quality.” WAC
11 197-11-794.

12 When evaluating a project for a significant impact, a decision maker is asked to
13 take into account that, amongst others, “the absolute quantitative effects of a proposal
14 are also important, and may result in a significant adverse impact regardless of the
15 nature of the existing environment.” WAC 197-11-330(3)(b). In *Wild Fish Conservancy*
16 *v. Dep’t of Fish and Wildlife*, when interpreting this WAC section, the Washington
17 Supreme Court noted that “the nature of the *existing* environment is relevant to a
18 threshold determination analysis.” 198 Wn.2d at 871 (emphasis in the original). “The
19 basic idea is that establishing baseline environmental conditions is necessary to
20

21 ⁸ *Chuckanut Conservancy v. Dep’t of Natural Res.*, 156 Wn. App. 274, 283 n.8 (2010) *Modified on other*
22 *grounds* 210 Wash. App LEXIS 2896 (Nov. 116, 2010) (“ ‘Baseline’ is a term borrowed from National
Environmental Policy Act (NEPA), 42 U.S.C. § 4321, jurisprudence. It is a practical tool often employed to
identify the environmental consequences of a proposed agency action: ‘ [W]ithout establishing ...
baseline conditions ... there is simply no way to determine what effect [an action] will have on the
environment and, consequently, no way to comply with NEPA.’ ”) (quoting *Am. Rivers v. Fed. Energy*
Regulatory Comm’n, 201 F.3d 1186, 1195 n.15 (9th Cir. 1999) (alterations in original) (quoting *Half Moon*
Bay Fishermans’ Mktg. Ass’n v. Carlucci, 857 F.2d 505, 510 (9th Cir. 1988)).”).

1 determine the effect a proposal will have on the environment.” *Chuckanut Conservancy*
2 *v. Dep’t of Nat. Res.*, 156 Wn. App. at 284 n.8.

3 Only from a position where an approving agency knows what sort of impacts the
4 project will have on the *existing environment*, can the agency undertake the “thoughtful
5 decision-making process” in which it “conscientiously and systematically consider(s)
6 environmental values and consequences” as required by SEPA. *ASARCO Inc v. Air*
7 *Quality Coalition*, 92 Wn.2d 685, 700-01 (1979).

8 **ARGUMENT**

9 The Record lacks documentation of a consideration by the City of the current
10 condition of the environment. The existing environment is not affected by what the
11 project site was used for almost a decade ago. Nor is the existing environment affected
12 by what the current zoning rules allow to be hypothetically sited here at some point in
13 the future. The existing environment is *only* affected by what is actually happening on
14 the ground at the time the SEPA analysis is completed. Here, the on the ground
15 conditions have not included a large supermarket (and all its associated impacts), for at
16 least seven and perhaps as many as nine years.

17 Given that, it is clear that any analysis which ignores the existing environment,
18 and instead focuses on conditions that existed almost a decade in the past is
19 inadequate and flawed under current SEPA jurisprudence.⁹ The existing environment
20 has minimal vehicle created pollution. The existing environment has minimal traffic
21

22 _____
⁹ LWVF recognizes that at some point the Courts or Hearing Examiner will have to draw a line on how long a site has to be “vacant” or have a different use, to make existing conditions the new “baseline.” Where ever that line may be, whether it is a full year, or perhaps two full years, it has certain been crossed some time ago in the matter at hand.

1 impacts. The existing environment is *not* affected by over eleven thousand vehicle trips
2 *per day*.

3 The existing conditions do not have the noise associated with a major
4 supermarket operating almost 24/7.¹⁰ The prior SEPA decision for operation of a lower
5 vehicle frequency facility (a Sam's Club) at the very same site, specifically recognized
6 that there would be noise impacts that needed to be mitigated.¹¹ A SEPA condition to
7 mitigate those noise impacts was applied to the operations.¹² Yet that same condition
8 has not been continued, or even referenced in the existing decision. A failure to account
9 for all the potential changes that will occur to the existing environment, is plainly a
10 failure to adequately analyze a project under SEPA.

11 To the extent that traffic was considered at all - and the testimony from both the
12 Applicant and the City was that it was not¹³ - the City seems to have been implicitly
13 relying on the fact that there were traffic evaluations and studies done when the Sam's
14 Club was originally permitted (in the 1990's) and when it expanded its operation in
15 2003. But the City did not have any of those studies or that analysis.¹⁴

17 ¹⁰ This is particularly true when it is the **cumulative impact** of the addition of the WinCo noise to the
18 already existing "busy roadway," which itself generates "~90 DB" of noise, which should have been
19 assessed. See Testimony of Brandon Johnson, Public Hearing Video Recording, 5:22:50 (discussing
20 relative DBs for busy roadways as compared to supermarkets). What the applicant's engineer was
referring to was whether the WinCo noise would be louder than the nearby roadway. But that is not the
question that needs to be addressed, when looking a noise impact that the addition of a new noise source
on the existing conditions could potentially create. It is the latter, that was supposed to be assessed under
SEPA.

21 ¹¹ See, 2003 SEPA Determination, HE Ex. #20, p.8.

22 ¹² *Id.* at p.10.

¹³ Testimony of Ms. Guillory, Public Hearing Video Recording 2:53:35; Testimony of Mr. Johnson, Public
Hearing Video Recording 5:40:55.

¹⁴ See, HE Ex. #11-12 (no public records on traffic studies located); Testimony of Ms. Guillory, Public
Hearing Recording 3:08:30-40 (same).

1 Omitting the fundamental, initial step in ascertaining the baseline condition of the
2 site is fatal to the SEPA process. Without knowing the present state of the nearby
3 environment, there is no way to know what environmental conditions will be as a result
4 of any adverse environmental effects from the development of a new supermarket.¹⁵

5 There is scant evidence in the Decision that shows that the City really assessed
6 what the adverse (or beneficial) environmental effects of the WinCo might be on the
7 existing site and surrounding area. At each stage, crucial information has been left out,
8 leaving no sufficient bases for determining whether this proposal can comply with the
9 law, and whether the environmental impacts will result in the healthful environment that
10 is the right of every Washingtonian.

11 **Traffic**

12 The City did not document, or request that the applicant document, what current
13 traffic conditions are in the area. The City did note that “[t]he area is subject to
14 significant traffic congestion during peak travel times on nearby arterials.”¹⁶ But that was
15 only for the short-term construction impacts. There was no analysis of the effect of
16 11,494 additional average daily vehicle trips on the existing traffic conditions in the long
17 run. As noted, there was actually a previous Traffic Impact Assessment for the same
18 site in 2003,¹⁷ but the City could not produce it, and even if they had it would not be

20 ¹⁵ The one exception is the ECA issue. There the City did clearly do an evaluation of potential impact. Yet
21 none of that analysis or “work” exists in the challenged Decision. Instead, the decision asserted there was
22 not ECA present, something that the City and WinCo witnesses admitted was not true. Testimony of Ms.
Guillory, Public Hearing Video Recording, 3:06:00. The misrepresentation in the Decision is yet another
“clearly erroneous” part of the challenged Decision.

¹⁶ 2025 SEPA Determination, HE Ex. #7 p.3.

¹⁷ 2003 SEPA Determination, HE Ex. #20. p.5.

1 relevant to the current traffic conditions approximately twenty-three years later. The
2 proper focus of a baseline analysis is the existing conditions. Without doing at least
3 some study and quantification of this baseline condition (or, more appropriately,
4 requiring the applicant to do so), the City failed to document those environmental
5 conditions, failing one of the fundamental steps in SEPA.¹⁸

6 LWWF presented expert testimony showing that the WinCo would have a
7 significant negative impact on traffic and traffic related outcomes. That Expert's report
8 and the conclusions were entirely unrebutted. WinCo called no traffic expert, and the
9 City admitted it has not looked at traffic, because it considered this the same "use."¹⁹
10 But that approach conflates what is allowed in a particular zone, with what the impacts
11 of what has been proposed will be on existing conditions. Those are, in fact, two distinct
12 considerations.

13 As noted, SEPA requires that impacts to the *existing environment* be considered
14 when determining if there would be significant environmental impacts.²⁰ Mr. Nys, one of
15 the Appellant's Expert Witness, testified that the present condition of the location
16 account for an average daily traffic of approximately 29,000 trips per day.²¹ His analysis
17 - and the information provided in the SEPA checklist - indicate that there will be

19 ¹⁸ At least some basic traffic data, and a review of that data, was necessary before the City could
20 rationally conclude that traffic impacts were "minimal." As the Greenlight report showed, that analysis was
not done – and under SEPA is needed to be done to be able to reach a rational well supported decision.
Greenlight Report, HE Ex. #13 pp.1-5.

21 ¹⁹ Testimony of Ms. Guillory, Public Hearing Video Recording 2:53:35; As Mr. Nys pointed out, the Sam's
22 Club is actually a different "use" (with a different ITE Code) than a WinCo, at least from a traffic trip
generation standpoint. Greenlight Traffic Report, HE Ex. #13 pp. 2-3

²⁰ *Wild Fish Conserv.* 198 Wn.2d at 871.

²¹ Greenlight Traffic Report, HE Ex. #13 p.3.

1 approximately 40,000 vehicle trips per day,²² a nearly 40% increase in total trips along
2 an already highly congested route in the middle of North Seattle.²³

3 When questioned about his traffic analysis, Mr. Nys also testified regarding the
4 issues in comparing a WinCo and a Sam's Club regarding possible traffic impacts.
5 Specifically, while both stores may have the same land use zoning categorization, they
6 have different impacts on traffic.²⁴ A Sam's Club, as a discount subscription club, would
7 generate far fewer trips than a supermarket like WinCo.²⁵ As such, any reliance on a
8 previous "use" by Sam's Club inadequately accounts for the traffic impacts of a WinCo.

9 The SMC requires specifically that "the traffic forecasted to be generated by the
10 use or development will not cause the transportation concurrency level-of-service (LOS)
11 at an applicable screenline, measured as the volume-to-capacity ratio (v/c), to exceed
12 the LOS standard for that screenline." SMC 23.52.004. The SEPA checklist includes a
13 comment by Ms. Guillory that "impacts would be minimal on levels of service..."²⁶
14 However, as noted in Mr. Nys's report, nothing in the Record shows that the City (or the
15 applicant) actually *investigated* the current state of LOS at the applicable screenline,
16 which screenline is applicable, or whether the LOS standards would be exceeded post-
17 development. SEPA requires that both existing and post-project environmental

18
19 ²² This is an imperfect approximation by adding the existing and proposed additional trips together.
20 However, it is likely some of the existing approximately 29,000 trips would go to the proposed WinCo
21 along their existing route. As such, some of the 11,000 daily trips traveled would likely be inclusive in the
22 existing traffic figure, rather than additive. However, neither WinCo nor the City have done the necessary
23 traffic analysis to determine how those trips should be accounted for.

24 ²³ Greenlight Traffic Report, HE Ex. #13 pp. 3-4; 2025 SEPA Determination, HE Ex. #7 p.3.

25 ²⁴ Mr. Nye's Expert Testimony, Public Hearing Video Recording 1:57:20.

26 ²⁵ Id. at 1:57:00; Greenlight Traffic Report, HE Ex. #13 pp. 2-3.

27 ²⁶ SEPA Checklist, HE Ex. #4 p. 29.

1 conditions are well-documented, but in the case of traffic impacts, the City failed to do
2 either of those, and in addition failed to show that it would comply with its own traffic
3 code, without citing to any applicable exemption from that statutory requirement. The
4 City did *not* show its work as required by SEPA.

5 SEPA requires an analysis of the impacts to the *existing environment*, not on
6 what might have existed back in 2017 or 2018. Here, the current use is an empty
7 building, not a thriving Sam’s Club. The City failed to account for these changes, and
8 the environmental impacts that stem from the new traffic, and as such the SEPA
9 determination was clearly erroneous.

10 **Water Quality**

11 The City also failed to fully “take a hard look” into the impacts on water quality as
12 a result of the Project, particularly in regards to the impacts of 6PPDQ. It is uncontested
13 that absent adequate mitigation, a supermarket like WinCo will inevitably cause water
14 quality concerns because of stormwater entering the City’s drainage system from the
15 large parking lot. Here, it appears that the City was satisfied regarding stormwater
16 impacts by the fact that WinCo would be installing a Filterra stormwater treatment
17 system. However, as the evidence showed, no one ever looked at the issue 6PPDQ
18 pollution.

19 The City Planner said she was not qualified to look at that issue, so she asked
20 Drainage look at it.²⁷ However, Mr. Viktor Paykov, one of the City’s staff members who
21 evaluates drainage – who also evaluated this Project – testified that he does not
22

²⁷ Testimony of Ms. Guillory, Public Hearing Video Recording 2:59:55.

1 evaluate projects for their stormwater treatment's capacity to manage 6-PPDQ,²⁸ and he
2 did not testify that anything different was done for this project. Somehow, no one looked
3 at the possible significant impacts of 6PPDQ.

4 Mr. Jayakaran, Appellant's stormwater expert, provided unrebutted testimony
5 that a parking lot of this size generates orders of magnitude more 6PPDQ than the level
6 that would be lethal to fish and harmful to other organisms.²⁹ He also outlined, in both
7 his report and testimony, how there are well known methods of removing this toxic
8 compound from stormwater.³⁰ That testimony was also unrebutted. It is therefore vitally
9 important to the health of the existing environment that such pollutants are managed
10 correctly, and in order to do so, the City must account for the quantity of 6PPDQ
11 entering its waterways.

12 Nothing said by the Applicant's stormwater expert changes the actual facts.
13 Whether or not the Filterra system *can* treat 6PPDQ (which remains an open question)
14 does not answer the question of whether the City actually accounted for this pollutant
15 and did a proper impact analysis. Moreover, the Report introduced for Mr. Johnson, HE
16 Ex. #28, does **not** say that the Filterra stormwater treatment system can treat this
17 6PPDQ compound. Instead, the Report merely says that this system **might** have the

18 _____
19 ²⁸ Testimony of Mr. Paykov, Public Hearing Video Recording 3:54:48 (shaking his head in the negative in
response to the question of whether there are sections of the code that regulate 6PPDQ).

20 ²⁹ See Jayakaran Stormwater Report, HE Ex. #15 p.6; Mr. Jayakaran's Expert Testimony, Public Hearing
21 Video Recording 1:00:00; There appeared to be some skepticism from Applicant's attorneys regarding
22 Mr. Jayakaran's calculations during cross examination. Mr. Jayakaran testified his analysis regarding the
quantity of 6PPDQ was taken directly from the preeminent peer reviewed study on the issue, and all he
did was take those figures and do the math based on the size and expected traffic at this site. See
Jayakaran Stormwater Report, HE Ex. #15 p.5 (Figure 1). No contrary evidence or expert opinion of any
sort was admitted into evidence by either the City or WinCo.

³⁰ See Jayakaran Stormwater Report, HE Ex. #15 pp. 9-10; Mr. Jayakaran's Expert Testimony, Public
Hearing Video Recording 1:15:00.

1 **potential** to treat it, and that this system (among others) deserves further study on that
2 issue. See, Ex. #28 at p.36 (“lab testing results were not available for removal of 6PPD
3 and 6PPD-q by infiltration BPMs); and p.15 (“Mitigation strategies that are *likely to help*
4 prevent and reduce 6PPD and 6PPD-q in stormwater runoff from the built
5 environment.”) (emphasis added). It further states, just as Mr. Jayakaran testified, that
6 the Filterra system has not yet been tested and demonstrated as something that could
7 adequately manage 6PPDQ.³¹

8 The key problem is that the City *does not* account for 6PPDQ at any point in its
9 Project or SEPA analysis. In fact, there is no reference in any of the SEPA documents
10 to 6PPDQ. This is a huge issue for the City.

11 As WinCo’s counsel noted in his opening remarks, SEPA is meant as “a gap
12 filler,” put in place to ensure that the environmental protections by local governments
13 are sufficiently protecting its citizen’s natural environment. Yet somehow, 6PPDQ, a
14 commonly occurring pollutant that is dispersed specifically by cars, was not accounted
15 for by the City’s own analysis, or in any of the SEPA analysis. Instead, every witness
16 agreed that the City Code does not regulate this compound. Given that, SEPA needs to
17 fill the gap and apply to the impacts from this compound. The City needs to go back and
18 do the work needed to assess the potential impacts to and take the appropriate steps to
19 require the applicant to mitigate its stormwater impacts, in order to protect the City’s and
20 the State’s waterways.

21 ///

³¹ See Ex. 28 p. 39 (“Researchers have not measured the effectiveness and capacity of any filtration media to reduce 6PPD-q toxicity except the local bench scale studies on the 60% sand and 40% stormwater compost (60:40 mix) bioretention soil mix.”)

1 **Conclusion**

2 Under SEPA, generally, the City of Seattle is meant to require an Environmental
3 Impact Study unless the City can establish that there are no significant impacts. Here,
4 the City entirely failed to a number of evaluate key environmental from the proposed
5 WinCo development. The City did not evaluate whether the environment could be
6 significantly impacted by 6PPDQ because the Municipal Code seemingly does not
7 require *any* entity to evaluate the impacts of that pollutant. The City did not evaluate
8 whether adding a business onto a previously vacant property would have a significant
9 impact on traffic because the property was used for a ‘similar’ kind of store almost a
10 decade before. This abdication of the City’s responsibilities cannot satisfy the
11 requirements of SEPA, and instead the City must go back and do its work to ensure that
12 the statutorily guarantee of each person’s “fundamental and inalienable right to a
13 healthful environment” is actually maintained.

14
15
16 Dated: February 11, 2026

17
18 LAW OFFICE OF KARL G. ANUTA, P.C.

19 */s/ Karl G. Anuta*

20 KARL G. ANUTA

kga@lokga.net, WSBA No. 21346

21 Attorney for Appellant

1 CERTIFICATE OF SERVICE

2 I hereby certify that I served a true copy of the foregoing **APPELLANT'S**

3 **CLOSING BRIEF** on:

4 Office of the Hearings Examiner
5 PO Box 94729
6 Seattle, WA 98124
7 Angela.Oberhansly@seattle.gov

Department, SDCI
Carly Guillory
Carly.guillory@seattle.gov

8 Applicant and Property Owner's Legal Counsel,
9 CSD Attorneys at Law P.S.
10 Timothy Schermetzler
11 Tschermetzler@csdlaw.com
12 Megan Holmes
13 mholmes@csdlaw.com

14 by the following indicated method or methods:

- 15 ■ by **emailing** a full, true, and correct copy thereof to the email
16 addresses shown above.

17 DATED: February 11, 2026

18 */s/ Karl G. Anuta*
19 _____
20 KARL G. ANUTA, WSBA # 21346
21 Attorney for Appellant

22
23
24
25
26
CERTIFICATE OF SERVICE