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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

GEORGETOWN NEIGHBORHOOD  
ALLIANCE,  
  
Petitioner,  
  
v.  
  
CITY OF SEATTLE; and  
COMMUNITY PSYCHIATRIC CLINIC  
("CPC"),  
  
Respondents.

NO.  
  
LAND USE PETITION AND  
COMPLAINT

**I. LAND USE PETITION**

**1. Name and Mailing Address of the Petitioner**

Georgetown Neighborhood Alliance  
6118 12th Avenue South, #100  
Seattle, WA 98118

**2. Name and Mailing Address of the Petitioner's Attorney**

Bricklin and Newman, LLP  
1424 Fourth Avenue, Ste. 500  
Seattle, WA 98101.

**3. Name and Mailing Address of the Local Jurisdiction Whose Land Use Decision Is at Issue.**

City of Seattle  
700 Fifth Avenue  
PO Box 94728  
Seattle, WA 98104

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**4. Identification of the Decision-Making Body or Officer.**

4.1. Georgetown Neighborhood Alliance appeals the City of Seattle’s issuance of Construction Permit No. 6698812-CN (herein, “the Permit”), a copy of which is attached hereto as Appendix A. The Permit authorizes construction-related work at 1201 South Bailey Street in Seattle, the purpose of which is to change the use of an existing building at that location from a church to a sobering center for alcoholics and drug users.

4.2 Seattle issued the Permit on May 14, 2019.

**5. Identification of Each Person to Be Made a Party under RCW 36.70C.040(2)(b)–(d)**

Community Psychiatric Clinic (“CPC”)  
11000 Lake City Way NE  
Seattle, WA 98125

**6. Facts Demonstrating that Petitioners Have Standing to Seek Judicial Review**

6.1. Georgetown Neighborhood Alliance is a coalition of Seattle residents who live, work and own property in the city’s Georgetown neighborhood, many in the vicinity of the proposed sobering center. Members of the Georgetown Neighborhood Alliance believe that the proposed location is especially ill-suited to Georgetown and the clients it proposes to serve. Clients experiencing chronic inebriation would be picked up throughout the downtown area and transported sometimes miles away to the center. Unlike the center’s previous Denny Triangle location near downtown Seattle, Georgetown has no supportive services for individuals facing addiction and is underserved by public transportation. This makes it likely that upon discharge, clients will be unable to leave the neighborhood and will remain in the neighborhood and in a cycle of addiction. Additionally, Georgetown already faces challenges on a much larger scale than other Seattle neighborhoods, grappling with industrial pollution, classification as a food desert, and crime

1 rates more than 10 times as high as nearby Beacon Hill. Bringing more than 1700 chronically  
2 intoxicated cases per year to a small neighborhood of around 1400 residents will have a catastrophic  
3 impact on neighborhood vitality.

4           6.2. The interests asserted in this land use petition are among those that the City of Seattle  
5 was required to consider when it issued Construction Permit No. 6698812-CN. The claim alleged is  
6 that the City of Seattle issued the construction permit authorizing the new sobering facility without  
7 first meeting its obligations under the State Environmental Policy Act (“SEPA”), chapter 43.21C  
8 RCW. Those obligations include assessing the impacts of the proposed sobering center on the  
9 Georgetown neighborhood. The City was required to make a threshold determination of whether  
10 those impacts may be significant and, if so, to prepare a detailed analysis of those impacts (and  
11 alternatives to the proposal). The City did none of those things.

12           6.3. A judgment in Georgetown Neighborhood Alliance’s favor would substantially  
13 eliminate or redress the harms alleged in this land use petition by requiring the city to engage in  
14 meaningful environmental review before issuing a construction permit for the sobering center.

15           6.4. Georgetown Neighborhood Alliance has exhausted its administrative remedies to the  
16 extent required by law. The City of Seattle does not require an administrative appeal before  
17 challenging construction permits under Washington’s Land Use Petition Act (“LUPA”), chapter  
18 36.70C RCW. Accordingly, no administrative appeal was pursued.

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22 **7. Separate and Concise Statement of Each Error Alleged to Have Been Committed  
23 Together with a Concise Statement of Facts Upon Which Petitioner Intends to Rely.**

24           7.1. Since 1998, King County has operated the Dutch Shisler Sobering Center at 1930  
25 Boren Avenue, in Seattle. Originally approved as a “Detox Center & Psychiatric Facility” under a  
26 prior version of the City of Seattle’s municipal code, the sobering center offers a place to sober up and

1 rest for clients who are “chronically homeless and intoxicated.” Between 2012 and 2017, the center  
2 admitted more than 125,000 chronically intoxicated clients. Many of those clients came to the center  
3 from downtown Seattle and adjacent areas. However, many also come the sobering center from  
4 throughout Seattle and King County.

5  
6 7.2. Due to intoxication and other chronic problems exhibited by the sobering center’s  
7 clientele, the Center generates a large number of police calls. Between January 1, 2017 and December  
8 31, 2018, the center generated more than 250 police calls. These calls included frequent suicide  
9 emergencies, assaults, fights, trespasses, property damage, threats, liquor violations, other  
10 “disturbances,” and one rape.

11  
12 7.3. In addition to generating numerous police calls, it is common for clientele of the Dutch  
13 Shisler Sobering Center to engage in various nuisance behaviors in public areas outside the center.  
14 Such behaviors include panhandling, vomiting, and creating public disturbances due to their  
15 intoxication.

16  
17 7.4. In 2018, the building’s owner — Community Psychiatric Center (“CPC”) — sold the  
18 existing structure that houses the Dutch Shisler Sobering Center at 1930 Boren Avenue. However,  
19 CPC agreed to purchase a new building for the sobering center’s continued operation.

20  
21 7.5. CPC now has plans to move the Dutch Shisler Sobering Center to a structure located  
22 at 1201 South Bailey Street in Seattle, in the city’s Georgetown neighborhood. Until recently, that  
23 structure housed the Korean Central Baptist Church. CPC sought a construction permit from the City  
24 of Seattle to make improvements necessary to relocate the sobering center to the location of the former  
25 church.

26  
27 7.6. On May 14, 2019, the city issued Construction Permit No. 6698812-CN, allowing  
28 construction of the sobering center’s new facility at 1201 South Bailey Street.

1           7.7.     Prior to issuing Construction Permit No. 6698812-CN, the City of Seattle did not issue  
2 a threshold determination or perform any other environmental review under the State Environmental  
3 Policy Act (“SEPA”), RCW 43.21C.

4           7.8.     In general, SEPA is the legislative pronouncement of our state’s policy regarding the  
5 environmental impacts of government decisions—including government-issued permits—and the  
6 mandate that government actors timely and thoroughly consider such impacts in the decision-making  
7 process. In essence, SEPA is an environmental full-disclosure law. It requires cities and other  
8 government bodies to assess potential impacts of their decisions up front, and if those impacts might  
9 be significant, to undertake a thorough environmental study known as an Environmental Impact  
10 Statement (“EIS”), where those impacts must be analyzed and disclosed, and where alternatives and  
11 mitigation measures must be considered. *See generally* RCW 43.21C.030; WAC 197-11-400 to -440.  
12 By requiring government actors to confront and explain the environmental impacts of their decisions,  
13 and to consider alternatives, SEPA aims to ensure that the future of our shared environment is shaped  
14 by deliberation, not default.  
15

16           7.9.     To accomplish the goal of fully informed and transparent decision making, SEPA  
17 requires every government agency contemplating a decision that might affect the environment to issue  
18 a “threshold determination,” the purpose of which is to determine whether an EIS is required. If the  
19 agency determines that there “will be no probable significant adverse environmental impacts from a  
20 proposal,” then the agency issues a Determination of Non-Significance (“DNS”), ending the SEPA  
21 process. WAC 197-11-340(1). In contrast, if the proposal “may have a probable significant adverse  
22 environmental impact,” then the agency must issue a Determination of Significance (“DS”) and an  
23 EIS must be prepared. WAC 197-11-360(1). *See also* WAC 197-11-330(4) (“If . . . the lead agency  
24 reasonably believes that a proposal may have a significant adverse impact, an EIS is required.”).  
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1           7.10. Ultimately, the threshold determination “must indicate that the agency has taken a  
2 searching, realistic look at the potential hazards and, with reasoned thought and analysis, candidly and  
3 methodically addressed those concerns.” *Conservation Nw. v. Okanogan County*, No. 33194-6-III,  
4 2016 WL 3453666 at \*31 (June 16, 2016) (quoting *Found. on Econ. Trends v. Weinberger*, 610 F.  
5 Supp. 829, 841 (D.D.C. 1985)). *See also Columbia Riverkeeper v. Port of Vancouver, USA*, 188  
6 Wn.2d 80, 92, 392 P.3d 1025 (2017) (“SEPA seeks to ensure that environmental impacts are  
7 considered and that decisions to proceed, even those completed with knowledge of likely adverse  
8 environmental impacts, are ‘rational and well-documented.’”) (quoting 24 Wash. Practice:  
9 Environmental Law and Practice § 17.1, at 192); WAC 197-11-335 (threshold determination shall be  
10 based on “information reasonably sufficient to evaluate the environmental impact of a proposal”).  
11

12           7.11. Nor is environmental review under SEPA limited to impacts on the natural world.  
13 Instead, SEPA requires a detailed and thorough analysis of impacts on the built environment, too,  
14 including land use impacts and impacts on public services, local populations, housing, and aesthetics.  
15 *See* WAC 197-11-444)(2). In all areas of the natural and built environments, SEPA seeks to “insure  
16 that presently unquantified environmental amenities and values will be given appropriate  
17 consideration in decision making along with economic and technical considerations.” RCW  
18 43.21C.030(b).  
19

20           7.12. Here, the proposed relocation of the Dutch Shisler Sobering Center to Seattle’s  
21 Georgetown neighborhood is likely to result in significant adverse impacts to the surrounding  
22 neighborhood and community. As noted above, the former sobering center at 1930 Boren has led to  
23 an excessive number of police calls, including assaults, fights, trespasses, property damage, threats,  
24 liquor violations, and other disturbances. The current center also results in various nuisance behaviors  
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1 exhibited by the center's clientele. These same types of activities are likely to occur at the new location  
2 at 1201 South Bailey, with deleterious effects on the surrounding community.

3 7.13. The impacts described above are likely to be exacerbated by the unsuitability of the  
4 Georgetown Neighborhood for the Sobering Center. Aspects of the Georgetown Neighborhood that  
5 make it especially unsuitable for the new facility include lack of supportive services and public  
6 transportation, a burgeoning homeless and RV population, pollution, and a proliferation of bars and  
7 entertainment venues.  
8

9 7.14. At the very least, the impacts described above require the issuance of a threshold  
10 determination, to determine if an EIS is needed under SEPA.

11 7.15. By issuing Construction Permit No. 6698812-CN without first issuing a threshold  
12 determination or engaging in any other environmental review under SEPA, the city engaged in  
13 unlawful procedure or failed to follow a prescribed process, the decision represents an erroneous  
14 interpretation of the law, the decision is not supported by substantial evidence, the decision represents  
15 a clearly erroneous application of the law to the facts, and/or the decision is outside the city's authority  
16 or jurisdiction within the meaning of RCW 36.70C.130(1)(a-e).  
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18 **II. REQUEST FOR RELIEF PURSUANT TO RCW 43.21C.075**  
19 **(Direct Review under SEPA)**  
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21 8.1. Petitioner hereby incorporates all allegations and claims stated above.

22 8.2. The city's failure to issue a threshold determination or undertake any other  
23 environmental review is a direct violation of SEPA, Chapter 43.21C RCW, and the state and local  
24 regulations implementing that law, chapter 197-11 WAC and chapter 25.05 of the Seattle Municipal  
25 Code.  
26

1 8.3. In light of the errors and omissions stated above, the city's issuance of Construction  
2 Permit No. 6698812-CN is not supported by substantial evidence, represents a clear error of law and  
3 clearly erroneous application of the law to the facts, and is arbitrary and capricious.

4 8.4. Petitioner is entitled to relief under RCW 43.21C.075, SEPA's right of review  
5 provision.  
6

7 **III. PRAYER FOR RELIEF**

8 WHEREFORE, Georgetown Neighborhood Alliance respectfully prays for the following  
9 relief:

10 A. An order reversing and vacating the Construction Permit No. 6698812-CN (App. A);

11 B. An order remanding the Permit to the City of Seattle for further review under SEPA,  
12 and issuance of a threshold determination;

13 C. An order awarding Georgetown Neighborhood Alliance's reasonable attorney's fees  
14 and costs, to the extent allowed by law; and

15 D. Such further relief as the Court deems just and proper.

16 Dated this 3rd day of June, 2019.

17  
18 Respectfully submitted,

19 BRICKLIN & NEWMAN, LLP

20  
21  
22 By: 

23 David A. Bricklin, WSBA No. 7583

Bryan Telegin, WSBA No. 46686

24 *Attorneys for Georgetown Neighborhood*  
25 *Alliance*  
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