

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeal of

**LAUREN CARTER**

from a decision issued by the Director,  
Department of Construction and Inspections

Hearing Examiner Files:

**MUP-18-012 (W)**

Department Reference:

3028174

**ORDER ON MOTIONS  
TO DISMISS**

The Department of Construction and Inspections (“Department”) issued a State Environmental Policy Act (“SEPA”) Determination of Nonsignificance without conditions (“DNS”) for a proposal to allow a three-story, seven-unit rowhouse building at 4300 SW Willow Street., Lauren Carter (“Appellant”) appealed the DNS. The Applicant, Dave Biddle, and the Department each filed motions to dismiss the appeal. The Appellant did not file a response to the motions. The Applicant filed a reply. The Deputy Hearing Examiner (Examiner) has reviewed the file in this matter including the motion documents. For purposes of this decision, all section numbers refer to the Seattle Municipal Code (“SMC” or “Code”) unless otherwise indicated.

HER.2.16 (b) provides:

Within 7 days after service of a written motion, or such other time as may be designated by the Hearing Examiner, any other party may file a written response. After the Hearing Examiner has received any written responses, or the 7 days or other designated time has elapsed, the Hearing Examiner may rule on the motion. Failure of a party to file a timely response may be considered by the Hearing Examiner as evidence of that party’s consent to that motion.

The appeal is **DISMISSED**, and the Department’s and Applicant’s motions concerning these issues are **GRANTED**. All appeal issues having been dismissed, the hearing scheduled for June 6, 2018, is **CANCELLED**.

Entered this 24<sup>th</sup> day of May, 2018.



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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Order on Motion to Dismiss** to each person listed below, or on the attached mailing list, in the matter of **Lauren Carter**. Hearing Examiner File: **MUP-18-012 (W)** in the manner indicated.

Party	Method of Service
<b>Appellant</b> Lauren Carter lcarter@uw.edu	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Applicant Legal Counsel</b> Brandon Gribben bgribben@helsell.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
<b>Department</b> Abby Weber SDCI Abby.weber@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: May 24, 2018

  
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Alayna Johnson  
Legal Assistant