

**BEFORE THE HEARING EXAMINER**  
**City of Seattle**

|   |   |                                   |
|---|---|-----------------------------------|
| In the Matter of the Appeal of                  | ) | Hearing Examiner File:            |
|   | ) |                                   |
| <b>SAFE AND AFFORDABLE SEATTLE</b>              | ) | <b>MUP-18-019</b>                 |
|   | ) |                                   |
| from a SEPA determination and temporary use     | ) | Department reference:             |
| decision by the Director, Seattle Department of | ) | Project 3030888-LU                |
| Construction and Inspections, to allow a        | ) |                                   |
| transitional encampment on the property         | ) | <b>SDCI's REPLY AND MOTION TO</b> |
| <u>located at 1601 15<sup>th</sup> Avenue W</u> | ) | <b>DETERMINE SERVICE</b>          |

The Seattle Department of Construction and Inspections (SDCI) reiterates its original motion, filed August 16, 2018, pursuant to Hearing Examiner Rules (HER) 2.16 and 3.02, that the Hearing Examiner partially dismiss the appeal by Safe and Affordable Seattle and Elizabeth A. Campbell in the above-captioned matter. The argument for that motion has been addressed and will not be restated here. However, the appellant party has not responded to the SDCI motion. While a response is not required, this SDCI reply and additional motion is offered to make certain that the prehearing motions process is ongoing and that the original SDCI motion will be considered by the Examiner. As described in the Declaration of William K. Mills and supporting documentation that is attached, it is possible that the appellant has not received mailed hard copy of the original SDCI motion. SDCI therefore files this additional document both in the form of a “reply” to reiterate its previous motion and to ask the Examiner to determine that service has been completed on the appellant or otherwise determine the next step in the prehearing motions process.

**Discussion**

In the prehearing conference for this matter held on August 15, 2018, the appellant declined to accept service of documents by electronic means only. Therefore, SDCI sent its motion by first class mail on August 16, as provided in Hearing Examiner Rule (HER) 2.05(d), while also emailing the motion to both parties. On August 28, 2018, a copy of the motion mailed to the appellant at the address she provided for correspondence was returned to SDCI by the post office. A second copy of the same motion, with a certificate of service included, was mailed to both parties later in the day on August 16. That copy mailed to the appellant has not been returned to SDCI as of the date of the reply and

motion, but the difficulty with the mail raises the possibility that service by mail did not occur. SDCI believes it is appropriate to inform the Examiner and the parties of this situation.

Regardless of whether the hard copies were delivered by mail, service was also made by email and it appears that both parties received electronic copies of the documents prepared by SDCI on August 16. See attached Declaration of William K. Mills included with this reply and motion.

### **Conclusion**

SDCI therefore moves that the Examiner determine that service of the SDCI prehearing motion was properly achieved under HER 2.05 on August 16, 2018 or as otherwise deemed appropriate under HER 2.05(e). SDCI reiterates its request that its motion for partial dismissal be granted. In the alternative, SDCI requests that the Examiner provide guidance on how to proceed with prehearing matters in this case.

Entered this 31<sup>st</sup> day of August 2018.

  
\_\_\_\_\_  
William K. Mills, Land Use Planner Supervisor  
SDCI

cc. Elizabeth A. Campbell, for appellant Safe and Affordable Seattle  
Sharon Lee, for applicant Low Income Housing Institute

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**SAFE AND AFFORDABLE SEATTLE** ) **MUP-18-019**  
)  
From a SEPA determination and temporary ) Department reference:  
use decision by the Director, Seattle ) Project 3030888-LU  
Department of Construction and Inspections, )  
to allow a transitional encampment on the ) **Certificate of Service**  
property located at 1601 15<sup>th</sup> Avenue W )

The undersigned certifies the following:

1. I am a Land Use Planner Supervisor at Seattle Department of Construction and Inspections (SDCI), representing SDCI in the above-entitled appeal proceeding; I am over the age of majority and am able to testify as to the matters stated herein;
2. On Friday, August 31, 2018, I delivered SDCI's Reply and Motion to Determine Service in this matter, with accompanying Declaration of William K. Mills, by e-mail and standard first-class mail, to the following named parties, at the addresses provided on the case details page of the Hearing Examiner website:

Elizabeth Campbell,  
for appellant Safe and Affordable Seattle  
4027 21<sup>st</sup> Avenue West, Suite 205  
Seattle, WA 98199  
Ph: (206) 769-8459  
E-mail: [neighborhoodwarrior@gmail.com](mailto:neighborhoodwarrior@gmail.com)

Sharon Lee, for applicant Low Income  
Housing Institute  
2407 1<sup>st</sup> Avenue, Suite 200  
Seattle, WA 98121  
Ph: (206) 765-6730  
E-mail: [rneis@lihi.org](mailto:rneis@lihi.org)

Both e-mail copy and hand delivered hard copy are provided to the Office of Hearing Examiner.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 31<sup>st</sup> day of August 2018.

  
\_\_\_\_\_  
William K. Mills, Land Use Planner Supervisor  
SDCI

cc. Elizabeth Campbell, for appellant  
Sharon Lee, for applicant