

BEFORE THE HEARING EXAMINER
City of Seattle

In the Matter of the Appeal of	)	Hearing Examiner File:
)	
SAFE AND AFFORDABLE SEATTLE	)	MUP-18-019 (TU, W)
)	
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	)	SDCI SUPPLEMENTAL REPLY AND
located at 1601 15 th Avenue W	)	STRIKING MOTION TO DETERMINE
		SERVICE

The Seattle Department of Construction and Inspections (SDCI) files this supplemental reply addressing appellant's response in this matter. SDCI strikes its previously submitted "Motion to Determine Service." That motion is unnecessary as it appears that all parties received the original SDCI Motion for Partial Dismissal.

SDCI objects to the response filed by the appellant, which the Office of Hearing Examiner indicates was received on August 31, and requests that it be disregarded. The response was required by August 24 but was not received by the Examiner until a week later and not received by SDCI until September 4. See attached Declaration of William Mills and accompanying emails from Alayna Johnson. While the appellant may have believed her response was filed with the Hearing Examiner on August 24, the Examiner's Office has stated that it was not received until a week later. The schedule agreed upon at the prehearing conference in this matter called for submitting the response by August 24.

The appellants' response is not timely. The SDCI Motion for Partial Dismissal should be granted.

Entered this 7th day of September 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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City of Seattle

In the Matter of the Appeal of)	Hearing Examiner File:
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SAFE AND AFFORDABLE SEATTLE)	MUP-18-019 (TU, W)
)	
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	)	Declaration of William K. Mills
<u>located at 1601 15th Avenue W</u>)	

WILLIAM K. MILLS declares as follows:

I am a Land Use Planner Supervisor with the City of Seattle Department of Construction and Inspections (SDCI). I have personal knowledge of the facts in this declaration and am competent to testify to those facts. I am the SDCI staff person assigned to the review of Project 3030888-LU and drafted the Master Use Permit (MUP) decision in this matter. I am also the designated representative of SDCI on the appeal of this MUP decision to the Office of Hearing Examiner.

On Monday, August 27, I called Alayna Johnson, Legal Assistant for the Office of Hearing Examiner, to inquire if a response had been filed by the appellant to the SDCI Motion for Partial Dismissal in MUP-18-019. The recorded record of the prehearing conference shows that the appellant agreed to a filing deadline for a response to the SDCI motion by August 24, 2018. I reviewed my email records on August 24 and checked the Hearing Examiner website under the case number but saw no record that a response had been filed.

On August 27, Ms. Johnson reviewed email records and replied by email to my telephone call stating that no response had been received from the appellant in MUP-18-019. Ms. Johnson further states, in an email chain dated September 4, 2018, that “. . . the MUP-18-019 document was e-filed on 8/31 . . .” See copies of emails attached to this declaration. I did not receive a copy of the appellants’ response through my SDCI Outlook email or any other means of transmittal until September 4.

Executed at Seattle, Washington this 7th day of September 2018.



William K. Mills

Land Use Planner Supervisor, SDCI

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

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of	)	Hearing Examiner File:
)	
SAFE AND AFFORDABLE SEATTLE	)	MUP-18-019 (TU, W)
)	
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
<u>property located at 1601 15th Avenue W</u>)	

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, September 7, 2018, I delivered SDCI's Supplemental Reply and Striking 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 21st Avenue West, Suite 205
Seattle, WA 98199
Ph: (206) 769-8459
E-mail: neighborhoodwarrior@gmail.com

Sharon Lee, for applicant Low Income
Housing Institute
2407 1st Avenue, Suite 200
Seattle, WA 98121
Ph: (206) 765-6730
E-mail: 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 7th day of September 2018.



William K. Mills, Land Use Planner Supervisor
SDCI

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

Mills, William

From: Johnson, Alayna
Sent: Monday, August 27, 2018 3:00 PM
To: Mills, William
Subject: Response for MUP-18-019

Good afternoon,

After re-reading the e-mails from Ms. Campbell on Friday, I realized she was actually trying to e-file something else entirely. So a much simpler answer to your question is, no, I did not receive a response from her for that case.

Sorry for the confusion!



Alayna Johnson
Legal Assistant

City of Seattle [Office of Hearing Examiner](#)
700 Fifth Avenue, Suite 4000, Seattle, WA 98104
Direct: 206.615.1718 | Fax: 206.684.0536 | Alayna.Johnson@seattle.gov

Mills, William

From: Johnson, Alayna
Sent: Tuesday, September 04, 2018 5:24 PM
To: Elizabeth Campbell, MPA
Cc: Mills, William; Ralph Neis; Reise, Alicia L; Downs, Patrick
Subject: RE: MUP-18-019 SDCI Reply-Motion and Declaration

Thank you for the clarification. I did receive your e-mails where you copied the other parties.

For the record and for clarification for all parties, the MUP-18-019 document was e-filed on 8/31 and the W-18-002 items were e-filed today, 9/4.

Thank you!

From: Elizabeth Campbell, MPA <neighborhoodwarrior@gmail.com>
Sent: Tuesday, September 04, 2018 5:01 PM
To: Johnson, Alayna <Alayna.Johnson@seattle.gov>
Cc: Mills, William <William.Mills@seattle.gov>; Ralph Neis <rneis@lihi.org>; Reise, Alicia L <Alicia.Reise@seattle.gov>; Downs, Patrick <Patrick.Downs@seattle.gov>; Elizabeth Campbell <neighborhoodwarrior@gmail.com>
Subject: Re: MUP-18-019 SDCI Reply-Motion and Declaration

This is a disaster on my end - I was going to write you Alayna and let you know that despite the issue with the access to e-filing that I in fact had emailed the documents in the Fort Lawton and 1601 matter to all of the other parties in each matter. I have gone back now and searched and searched and cannot find them to send you that confirmation - !!

I think what it is that I mailed them through Word 365 online, but I don't know where it keeps a record, if it does, how it sends things out. I checked both Windows 10 Mail and Outlook and the items I sent do not show up in "Sent" in those, nor do they show up in my Gmail account. I did send these out, as you know you got your copy, but they did not apparently get to the other parties. Yours I sent through Gmail, which may have been the difference.

I have uploaded two items to W-18-002, attached hereto also

I have uploaded one item to MUP 18 19, attached hereto also.

Then I am sending this email to the parties in both matters, I think it is clear which documents go to which parties.

All I can do is apologize to each of the individuals here - this is not typical for me to have problems sorting papers out and getting them to people. I've been trying to do things "in the cloud" with Word and storing my files in One Drive but I'm finding that it is not straight forward, consistent, where my files are being stored. Sorry for the confusion, really.

Elizabeth Campbell

On Tue, Sep 4, 2018 at 10:41 AM Johnson, Alayna <Alayna.Johnson@seattle.gov> wrote:

Thank you for your e-mail. You said near the end that you had e-filed the documents you sent via e-mail, and I wanted to let you know that we did *not* receive those documents in the e-filing portal, and as of now they are not considered filed. You will need to successfully e-file them in order for the Hearing Examiner to consider them.

You also mention that you believe "they have now gone a second time to the appropriate parties." I may be misunderstanding that part, but I want to point out that e-filing a document does not send it to the other parties, only to the Hearing Examiner's Office. When you e-file, you still need to manually e-mail the documents to the other parties.

Thank you!

From: Elizabeth Campbell, MPA <neighborhoodwarrior@gmail.com>

Sent: Tuesday, September 4, 2018 10:16:23 AM

To: Mills, William

Cc: Johnson, Alayna; Sharon Lee

Subject: Re: MUP-18-019 SDCI Reply-Motion and Declaration

Dear All,

My apologies for any confusion regarding lines of communication.

My understanding regarding electronic service is that is what we were doing, sending our motions, communications via email. My understanding during the pre-hearing conference regarding filing was the only thing I did not want to send electronically was the literal exhibits for the hearing, not any communications or documents in the interim time. Perhaps I misunderstood what the hearing examiner was referencing - I have no problem with the electronic service outside of that. Hence, my sending the replies I have via email to the parties - and presuming they were doing the same with me.

In regards to the use of OHE's e-filing system, there was a snafu regarding that. I did not realize until I went to use it that there was a literal special "invitation" so to speak that OHE had to activate in order to be able to e-file. Having only had the experience of e-filing an initial appeal I did not know that any subsequent filings had to be allowed through e-file. That has now been remedied, i have been granted e-filing access.

The second apology is related to then, filing again using e-filing, the documents that I "filed" via email directly to Alayna, Bill, Ralph, et al. I believe that having filed them now using e-file portal, that they now have gone a second time to the appropriate parties.

My third apology is some time and access issues I have had. I recently started a new position that has taken time from my normal schedule, and then I have also moved to having my documents online, in the cloud, which has created some confusion for me - like where are my documents. These are truly my problems and I am sorry for the initial confusion these things may have contributed to the matter herein.

Please let me know if I have mis-filed anything at this point, I believe that I am now current with the e-filing system.

And please let me know regarding the distinction between wanting to get the hearing exhibits via hard copy and receiving all other documents via e-filing or email - I have no objection to that.

Thank you for your time.

Elizabeth Campbell

On Fri, Aug 31, 2018 at 4:29 PM Mills, William <William.Mills@seattle.gov> wrote:

Please see the attached electronic copies of documents also served directly on the Office of Hearing Examiner and by first-class mail to the parties.



Bill Mills

Land Use Planner Supervisor

Seattle Department of Construction and Inspections

O: 206.684.8738 I william.mills@seattle.gov

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As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety, and health in our communities.

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Elizabeth Campbell, MPA

