

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeals of SAVE MADISON VALLEY, from approval of a land use application and a land use interpretation by the Director, Department of Construction and Inspections) Hearing Examiner File:) MUP-18-020 (DR, W) &) S-18-011)) Department References:) 3020338, 3028345)) 2925 E Madison Street)) DEPARTMENT REPLY TO APPELLANT) RESPONSE TO APPLICANT MOTION) FOR CLARIFICATION AND IN) SUPPORT OF MOTION FOR) CLARIFICATION
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The Department of Construction and Inspections (SDCI) concurs with the applicant's motion for clarification. Pursuant to Hearing Examiner Rule (HER) 3.04, SDCI joins the applicant in requesting that the Hearing Examiner require clarification of certain points of the appeal in this matter.

In particular, appeal statements 1 (a), 1 (b), and 1 (c) require clarification. HER 3.04 allows the Hearing Examiner to require sufficient information to make an appeal understandable. HER 3.01 (d) (3) requires specific objections to the decision being appealed. In statement 1 (a), the appellant alleges that SDCI failed to require or collect necessary information on numerous items listed in Section B of the environmental checklist. Similarly, statement 1 (b) alleges that the proposal will have significant adverse impacts related to a list of environmental topics listed in Section B of the checklist. Both appeal statements 1 (a) and 1(b) are very broad and general, and do not point to any part of the project decision or other available documents submitted for this project showing where these alleged errors occurred.

It is reasonable to request that the appellant provide some additional information so that the Examiner, the applicant, and SDCI can better understand what information provided for each environmental element mentioned in statement 1 (a) of the appeal was insufficient and what error was made by SDCI in concluding that there were no significant impacts related to each of the environmental elements listed in statement 1 (b). The appeal fails to state with any specificity why the City's regulations do not adequately address or mitigate the alleged environmental impacts of the proposal. In statement 1 (c), the appellant does not provide any information about why the design guidelines do not address or mitigate adverse

impacts of the proposal. They refer to “clear and convincing evidence” that height, bulk and scale impacts were not adequately mitigated by design review but do not point to any examples in the record of the proposal that is maintained by SDCI.

Providing some additional information about where in the existing record or in the SDCI decision there is inadequate information, error, or inadequate mitigation would not require the appellant to present details of future testimony or documentary evidence, but would only require identifying where, in the decision or documents submitted for the project, there is a need for additional information or where errors occurred. At present, there is nothing more than general allegations contained in both the appeal statement and the response.

Entered this 25th day of September, 2018.



William K. Mills, Land Use Planner Supervisor
Department of Construction and Inspections

cc. Claudia M. Newman, for Appellant Save Madison Valley
Jeremy Eckert and Patrick Mullaney, for Applicant TVC Madison Co. LLC

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Construction and Inspections)
)
) **2925 E Madison Street**
)
) **Certificate of Service**

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 Tuesday, September 25, 2018, I delivered SDCI's Reply to Appellants Response to Applicant Motion for Clarification and in Support of Motion for Clarification in this matter, by e-mail only, to the following named parties:

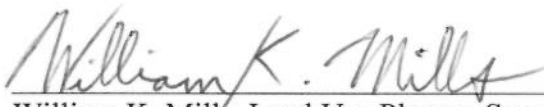
Claudia Newman,
for appellant Save Madison Valley
1424 Fourth Avenue, Suite 500
Seattle, WA 98101
Ph: (206) 264-8600
E-mail: newman@bnd-law.com

Jeremy Eckert and Patrick Mullaney, Foster
Pepper PLLC, for applicant TVC Madison Co.
LLC
1111 Third Avenue, Suite 3000
Seattle, WA 98101
Ph: (206) 447-4400
E-mail: jeremy.eckert@foster.com
patrick.mullaney@foster.com

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 25th day of September 2018.



William K. Mills, Land Use Planner Supervisor, SDCI

cc. Claudia M. Newman, for Appellant Save Madison Valley
Jeremy Eckert and Patrick Mullaney, for Applicant TVC Madison Co. LLC

