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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In Re: Appeal by  
  
Seattle Coalition for Affordability,  
Livability, and Equity  
  
of the City of Seattle Citywide  
Implementation of Mandatory Housing  
Affordability (MHA) Final Environmental  
Impact Statement

Hearing Examiner File No. W-17-010

APPELLANTS' RESPONSE TO CITY  
OF SEATTLE'S MOTION FOR  
RECONSIDERATION RE:  
STATEMENT OF APPEAL ISSUE

Appellants Seattle Coalition for Affordability, Livability, and Equity; Seniors United for  
Neighborhoods; Friends of North Rainier Neighborhood Plan; Friends of Ravenna-Cowen; Fremont  
Neighborhood Council; Wallingford Community Council; Junction Neighborhood Organization; and  
Beacon Hill Council of Seattle join in the City of Seattle's request that the Examiner clarify and correct  
the statement on page 37 of the Decision regarding the deadline for seeking judicial review as

1 described in the City of Seattle's Motion for Reconsideration re: Statement of Appeal Period (Nov.  
2 28, 2018).

3 As the City stated in its motion, SEPA does not allow subsequent review of an administrative  
4 SEPA decision separate from an appeal of an underlying action. RCW 43.21C.075(6)(c). State SEPA  
5 regulations state:  
6

7 When SEPA applies to a decision, any judicial appeal of that decision  
8 potentially involves both those issues pertaining to SEPA (SEPA  
9 issues) and those which do not (non-SEPA issues). RCW 43.21C.075  
10 establishes time limits for raising SEPA issues, but says that existing  
11 statutes of limitations control the appeal of non-SEPA issues. The  
12 statute contemplates a single lawsuit. If there is a time limit established  
13 by statute or ordinance for appealing the underlying governmental  
14 action, then appeals (or portions thereof) raising SEPA issues must be  
15 filed within such time period.

16 WAC 197-11-680. Appellants request that the Examiner clarify the Decision to state that an appeal  
17 of the Decision must be filed within the same time period for appealing the underlying governmental  
18 action per state law.  
19

20 Dated this 29<sup>th</sup> day of November, 2018.

21 Respectfully submitted,

22 BRICKLIN & NEWMAN, LLP

23 By: 

24 Claudia M. Newman, WSBA No. 24928  
25 Attorneys for SCALE

26 SENIORS UNITED FOR NEIGHBORHOODS


For 


David Ward

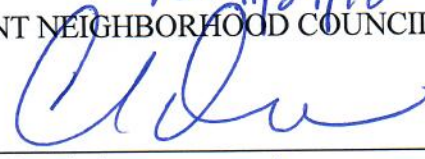
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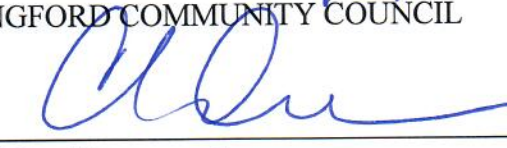
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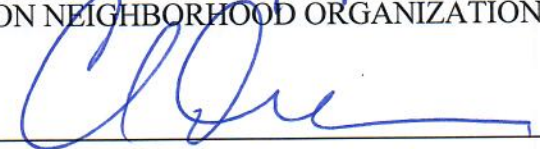
FRIENDS OF NORTH RAINIER  
NEIGHBORHOOD PLAN

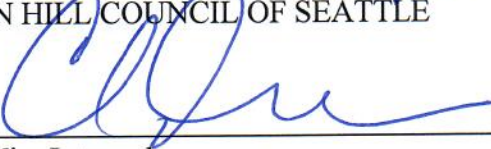
By:   
For PEA 11/29/18  
Talis Abolins  
FRIENDS OF RAVENNA-COWEN

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Judith E. Bendich  
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