

**BEFORE THE HEARING EXAMINER
City of Seattle**

In the Matter of the Appeal of:) Hearing Examiner File:
) MUP-23-011
)
Aquarian Foundation, INC.) Department reference:
) 3038146-LU
)
from a decision issued by the Director,) SDCI MOTION IN SUPPORT OF
Seattle Department of Construction and) APPLICANT'S MOTION TO DISMISS
Inspections.)
)

The Seattle Department of Construction and Inspections (SDCI) asserts its support of the Applicant's motion for partial dismissal dated November 9, 2023.

SDCI supports the motion on the following grounds as articulated by the Applicant's counsel, Jessica Clawson, David Chapman, and Isaac Patterson.

Aquarian Foundation, INC. has raised several issues regarding concerns about property rights, traffic and parking impacts, height limits, and negative effects (lack of privacy, sunlight, and air flow) on the adjacent property. These issues are outside of the criteria for Type II decisions found in subsection 23.76.022.C.6 of the Seattle Municipal Code (SMC) and do not specifically challenge the implementation of the SMC but rather challenge the code itself. Accordingly, these issues should be dismissed from the appeal for lack of subject matter jurisdiction.

For the reasons stated above, the Applicant's motion to dismiss should be granted.

Respectfully submitted this 21th day of November, 2023.

David Sachs
Senior Land Use Planner
Seattle Department of Construction and Inspections

Certificate of Electronic Service regarding:

SDCI MOTION IN SUPPORT OF APPLICANT'S MOTION TO DISMISS

I, David Sachs, declare under the penalty of perjury, under the laws of the State of Washington that the forgoing statements are true and correct to the best of my knowledge and belief. Further I declare that service was provided via electronic mail and web links in the attached email on the date of this signature.

Signed this 21st day of November, 2023 in Seattle, Washington

David Sachs, Senior Land Use Planner – SDCI

Recipients of Electronic Service:

Appellant:

Reverend Jann Warner
Aquarian Foundation, INC
info@aquarianfoundation.com

Applicant Legal Counsel:
McCullough Hill PLLC

Jessica Clawson
jessica@mhseattle.com

David P. Carpman
dcarpman@mhseattle.com

Isacc A. Patterson
jpatterson@mhseattle.com

Department Contacts:
SDCI

David Sachs
david.sachs@seattle.gov