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7	BEFORE THE HEARING EXAMINER CITY OF SEATTLE	
8		
9	9 In the Matter of the Appeal of:) Hear	ng Examiner File:
10)	P-17-001
11	1 EPIC, et al.,)	
12	4 11	I'S RESPONSE ON EPIC'S MOTION RECONSIDERATION
13	3From a Department of Construction and)1Inspections decision.)	
14		
15	Seattle Department of Construction and Inspections ("SDCI") agrees with the position	
16	articulated in Appellant's Memorandum of Law in Support of Motion for Reconsideration. SDCI	
17	asks the Examiner to grant the motion.	
18	Given the number of issues raised in the motion to dismiss, and the absence of a hearing	
19	on the motion, SDCI understands why Appellants did not marshal a fuller argument of this	
20	jurisdictional issue until the motion for reconsideration. It would be unfair to ignore the more	
21	complete review of the relevant code provisions presented by Appellant. Fairness suggests the	
22	Examiner should grant the motion. See HER 3.20(a)(1).	
23	3	
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SDCI'S RESPONSE TO EPIC'S

MOTION FOR RECONSIDERATION-1

Peter S. Holmes Seattle City Attorney 701 Fifth Ave., Suite 2050 Seattle, WA 98104-7097 (206) 684-8200

Based on the analysis and authority in the Memorandum, SDCI agrees the Council intended a development standard waiver or modification for a youth service center to be treated as a Type II decision, including for purposes of an Examiner appeal, and that the Examiner should follow that intent notwithstanding the absence of a conforming amendment in SMC 23.76.006. DATED this 20th day of March, 2017. 6 PETER S. HOLMES 8

Seattle City Attorney

s/

By:

Elizabeth E. Anderson, WSBA #34036 Seattle City Attorney's Office 701 Fifth Ave., Suite 2050 Seattle, WA 98104-7097 Ph: (206) 684-8202 Fax: (206) 684-8284 Email: liza.anderson@seattle.gov Attorneys for Respondent Seattle Department of Construction & Inspections

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SDCI'S RESPONSE TO EPIC'S **MOTION FOR RECONSIDERATION-2** Peter S. Holmes Seattle City Attorney 701 Fifth Ave., Suite 2050 Seattle, WA 98104-7097 (206) 684-8200

CERTIFICATE OF SERVICE 1 I certify that on this date, I electronically filed a copy of SDCI's Response on EPIC's 2 Motion for Reconsideration with the Seattle Hearing Examiner using its e-filing system. 3 I also certify that on this date, a copy of the same document was sent via email to the 4 following parties: 5 Knoll Lowney 6 Claire E. Tonry Meredith Crafton 7 Katherine Brennan knoll@igc.org 8 clairet@igc.org meredithc@jgc.org 9 katherineb@igc.org Attorneys for Appellant 10 **Cristy Craig** 11 cristy.craig@kingcounty.gov Monica Erickson, Paralegal 12 monica.erickson@kingcounty.gov Attorneys for King County 13 John McCullough 14 Courtney A. Kaylor Laura D. Counley 15 jack@mhseattle.com courtney@mhseattle.com 16 laura@mhseattle.com Attorneys for Applicant 17 the foregoing being the last known address of the above-named parties. 18 Dated this 20th day of March, 2017, at Seattle, Washington. 19 20 ALICIA REISE, Legal Assistant 21 22

SDCI'S RESPONSE TO EPIC'S MOTION FOR RECONSIDERATION- 3

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Peter S. Holmes Seattle City Attorney 701 Fifth Ave., Suite 2050 Seattle, WA 98104-7097 (206) 684-8200