

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeal of	)	Hearing Examiner File:
	)	
<b>LIVABLE PHINNEY,</b>	)	<b>MUP-17-009 (DR, W)</b>
a Washington non-profit corporation	)	
	)	Department References:
from a determination of non-significance,	)	Project 3020114
design review and interpretation	)	Interpretation No. 17-002
	)	(3027166)
	)	
	)	<b>SDCI Response to Appellant's Addendum</b>

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On Monday, June 19, 2017, Jeffrey Eustis, attorney for the appellant “Livable Phinney” (MUP-17-009) requested that the Hearing Examiner re-open the record to admit an Excel spreadsheet together with an “Addendum” to “Analysis of Headway Data,” by appellant’s witness Dr. Roberto Altschul, as a supplement to Dr. Altschul’s report and testimony presented at the open record hearing that concluded on May 5, 2017. The Hearing Examiner held an additional public hearing on June 27, 2017, to hear oral arguments as to whether the hearing should be re-opened to allow Dr. Altschul’s spreadsheet and addendum to be included in the record.

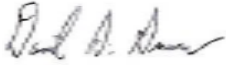
At the June 27 hearing, the Seattle Department of Construction and Inspections (SDCI) and the applicant argued that the record should not be re-opened as it interjected a needless delay into the proceedings and did not meet the requirement of a showing of “good cause.” The Hearing Examiner ruled differently and Dr. Altschul’s spreadsheet of purportedly accurate data from King County Metro and his “addendum” were admitted to the record.

Following review of this information, the Department’s position, affirmed in earlier testimony and arguments, has not changed. The Seattle Land Use Code at Table A for 23.54.015 Table A, Line II.K and Table B for 23.54.015, Line M does not address methods for determining fifteen minute headways. SDCI has consistently interpreted the Code to require the review of periodically updated, officially published King County Metro bus schedules in order to determine whether a proposal site is situated on “a street with frequent transit service.” These schedules provide a consistent data source, methodology, and manageable set of controls for determining whether a proposal meets the requirement of the Code.

Information presented by the appellant at Hearing and the latest report from Dr. Altschul do nothing to change the Department’s position. As indicated by Mr. Graves in testimony and reiterated in the attached Declaration, SDCI has been consistent in its determination of “streets with frequent transit service.” The parking requirements for MUP #3020114 were determined accurately as intended by Council, prescribed by Code, and analyzed by SDCI planners according to established Department procedures.

Accordingly, the Hearing Examiner should affirm the SDCI decision in this matter and the related code interpretation.

Entered this 5<sup>th</sup> day of July 2017.



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David Graves  
Senior Land Use Planner, SDCI