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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:

LAUREN CARTER,

from a decision issued by the Director,
Department of Construction and Inspections.

Hearing Examiner File:
MUP-18-012

Department Reference:
3028174

APPLICANT’S REPLY IN
FURTHER SUPPORT OF MOTION
TO DISMISS LAND USE APPEAL

On May 8, 2018, Examiner Ehrlichman issued a Prehearing Order¹ that directed SDCI and the applicant, Blueprint Capital Services (“Blueprint”), to file any dispositive motions by May 11, 2018. On May 11, 2018, Blueprint filed a motion to dismiss the land use appeal because, among other things, (a) the Project is not required to provide any parking because it is located within 1,320 feet of frequent transit, and (b) the Hearing Examiner does not have jurisdiction to require the Project to provide additional parking. SDCI also submitted a motion to dismiss raising similar issues. The Prehearing Order required the Appellant to file a response to the motion “no later than 5:00 PM on May 18, 2018.” The Appellant failed to file a response to the motions to dismiss and has not otherwise opposed the motions. Thus, for the reasons stated in Blueprint’s and SDCI’s motions to dismiss, the Hearing Examiner should dismiss the land use appeal with prejudice.

¹ The Prehearing Order is attached as Exhibit A.

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Respectfully submitted this 21st day of May, 2018.

HELSELL FETTERMAN LLP

By: s/ Brandon S. Gribben
Samuel M. Jacobs, WSBA No. 8031
Brandon S. Gribben, WSBA No. 47638
Attorneys for Applicant Blueprint Capital Services

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 21, 2018, the foregoing document was sent for delivery on the following party in the manner indicated:

Appellant Contact:

Lauren Carter
4329 SW Willow Street
Seattle, WA 98136

- Via first class U. S. Mail
- Via Legal Messenger
- Via Facsimile
- Via Email to lcarter@uw.edu

Hearing Examiner

Office of Hearing Examiner
700 Fifth Avenue, Suite 4000
Seattle, WA 98104

- Via first class U. S. Mail
- Via Legal Messenger
- Via Facsimile
- Via Email to
Alayna.johnson@seattle.gov

Department Contact:

Abby Weber
SDCI
PO Box 34019
Seattle, WA 98124

- Via first class U. S. Mail
- Via Legal Messenger
- Via Facsimile
- Via Email to
abby.weber@seattle.gov

s/Kyna Gonzalez

Kyna Gonzalez, Legal Assistant

EXHIBIT A

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

LAUREN CARTER

from a decision by the Director,
Department of Construction and
Inspections.

Hearing Examiner File:
MUP 18-012 (W)

Department Reference:
3028174

**PREHEARING
ORDER**

On May 8, 2018, a prehearing conference was held regarding this matter. Represented at the conference were the Appellant by Lauren Carter, *pro se*; the City of Seattle ("City") by Abby Weber, Seattle Department of Construction and Inspections; and the Applicant Dave Biddle of Blueprint Capital Services ("Applicant") by Brandon S. Gribben, attorney-at-law.

During the prehearing conference the parties discussed a hearing schedule, briefing schedule for pre-hearing motions, identified a schedule for final witness and exhibit lists and exchange of exhibits, and discovery. The following matters were discussed and resolved:

1. Some members of the public may file a motion to intervene, and both Applicant and the City anticipate filing a pre-hearing motion. These motions shall be filed with the Office of Hearing Examiner, and a copy served on the other parties, no later than 5:00 PM on May 11, 2018.
2. The City and the Applicant may respond to a motion to intervene, and the Appellant may respond to any prehearing motion filed by the Applicant and the City no later than 5:00 PM on May 18, 2018.
3. The original filing parties shall file and serve their replies, no later than 5:00 PM on May 22, 2018.
4. The parties are engaging in prehearing discovery on their own initiative, and will notify the Deputy Hearing Examiner only if necessary.
5. The Appellant (and any intervening party if admitted) shall file and serve her final witness list¹ and final exhibit list, no later than 5:00 PM on May 23, 2018.
6. The City and the Applicant shall file and serve their final witness lists and final exhibit lists, no later than 5:00 PM on May 30, 2018.

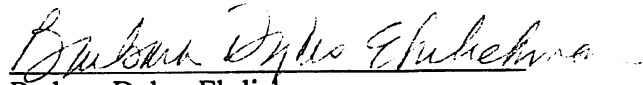
¹ Witness lists must include the names of witnesses and a brief summary of their expected testimony. If a witness will be testifying as an expert, a statement of qualifications must be included. Except for purposes of impeachment or rebuttal, only those witnesses and exhibits listed by the parties may be offered at the hearing.

7. Each party shall serve the other parties a copy of each of the exhibits listed on their exhibit lists, no later than 5:00 PM on May 30, 2018. (Exhibits are not to be filed with the Office of the Hearing Examiner electronically or in hard copy. Parties are not required to provide copies of an exhibit to another party if the other party is known to possess a copy of the exhibit. Parties must be prepared to provide a copy of any exhibit to be introduced at the hearing in hard-copy form to the Hearing Examiner.)

The hearing in this matter is scheduled to be held on June 6, 2018, beginning at 9 AM in the Office of Hearing Examiner, Hearing Room 4000, 700 Fifth Avenue, (Seattle Municipal Tower, 40th Floor) Seattle, Washington.

The parties are reminded that Hearing Examiner Rule (HER) 2.05(a) requires that any electronically filed document more than 10 pages in length, including exhibits, must also be delivered to the Deputy Hearing Examiner in hard copy; and HER 2.05(c) prohibits the filing of more than 15 pages with the Office of Hearing Examiner by electronic facsimile.

Entered this 8th day of May, 2018


Barbara Dykes Ehrlichman,
Deputy Hearing Examiner
Office of Hearing Examiner
P.O. Box 94729
Seattle, Washington 98124-4729
Phone: (206) 684-0521
Fax: (206) 684-0536

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached Prehearing Order and Notice of Hearing to each person listed below, or on the attached mailing list, in the matter of Lauren Carter, Hearing Examiner File: MUP-18-012 (W) in the manner indicated.

Party	Method of Service
Appellant Lauren Carter lcarter@uw.edu	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Applicant Legal Counsel Brandon Gribben bgribben@helsell.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Department Abby Weber SDCI Abby.weber@seattle.gov PRC PRC@seattle.gov Sue Putnam Sue.Putnam@seattle.gov SCI_LUIB SCI_LUIB@seattle.gov Roberta Baker Roberta.Baker@seattle.gov Shelley Bolser Shelley.Bolser@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

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Dated: May 8, 2018



Alayna Johnson
Legal Assistant