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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeal of:

Livable Phinney, a Washington non-profit
corporation
from an interpretation issued by the Director,
Seattle Department of Construction and
Inspections.

HE File No. S-18-003

STIPULATION AND AGREED
ORDER OF DISMISSAL

STIPULATION

The parties stipulate as follows:

1. The City of Seattle has amended the definition of "frequent transit service" in the Seattle Municipal Code ("SMC") pursuant to Ordinance 125558. The Ordinance became effective on May 14, 2018.

2. SMC 23.54.015.B.4 requires that the Director of the Seattle Department of Construction and Inspections ("SDCI") adopt by rule a map of frequent transit areas. SDCI published Director's Rule 15-2018 on May 4, 2018.

1 3. SMC 23.54.015.B.4 provides that an applicant may elect to have SDCI apply the
2 rule after a project vests to determine whether the site is in a scheduled frequent transit service
3 area.

4 4. Respondent/Applicant Phinney Flats, LLC has elected to have SDCI apply the
5 new frequent transit service definition and the maps adopted under Director's Rule 15-2018.

6 5. SDCI will accordingly no longer utilize the former definition of frequent transit
7 service found at SMC 23.84A.038 or the Supplement to Interpretation No. 17-002 to determine
8 whether the site subject to Master Use Permit #3020114 is in a scheduled frequent transit service
9 area.
10

11 6. The parties therefore agree that the appeal of the SDCI Supplement to
12 Interpretation No. 17-002 is moot.

13 7. The parties therefore request that the appeal filed by Livable Phinney should be
14 dismissed, and that the Examiner enter the subjoined agreed order:
15

16 **ORDER**

17 1. The appeal of Livable Phinney on SDCI's Supplement to Interpretation No. 17-
18 002 is hereby dismissed without prejudice.

19 ENTERED this 20rd day of May, 2018.

20
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22 HEARING EXAMINER
CITY OF SEATTLE

23
24 
25 _____
Ryan Vancil

1 MCCULLOUGH HILL LEARY, P.S.

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3

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LIVABLE PHINNEY

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11 Attorney for Livable Phinney

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13 DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

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Andy McKim
Senior Planner

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STIPULATION AND ORDER
Page 3 of 3

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**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 **Sipulation and Agreed Order of Dismissal (signed)** to each person listed below, or on the attached mailing list, in the matter of **Livable Phinney**, Hearing Examiner Files: **S-18-003**, in the manner indicated.

Party	Method of Service
Appellant Legal Counsel Jeffrey Eustis eustis@aramburu-eustis.com Irene Wall iwall@serv.net	<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 Jessica Clawson jessie@mhseattle.com Katie Kendall kkendall@mhseattle.com Courtney Kaylor courtney@mhseattle.com Lauren Verbanik lverbanik@mhseattle.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 Andy McKim SDCI andy.mckim@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

Dated: May 23, 2018



 Alayna Johnson
 Legal Assistant