

BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of:	)	Hearing Examiner File:
	)	MUP-19-019 – MUP-19-020
Neighbors to Mirra Homes	)	
	)	DECLARATION OF DAVID
from a Short Subdivision decision issued	)	MOEHRING IN SUPPORT OF THE
by the Director, Seattle Department of	)	APPELLANTS' ARGUMENTS
Construction and Inspections.	)	
_____	)	

I, David Moehring, declare and state as follows:

1. I am over 18 years of age, and am competent to make this declaration, and I am a citizen of the United States. I have professional knowledge of the facts set forth herein, have the requisite expertise to provide the opinions expressed herein and am competent to testify.
2. I live at 3444B 23<sup>rd</sup> Avenue West, which is a few properties away from 3410 to 3416 23<sup>rd</sup> Ave West - the properties of the appeal (or "Subject Properties") - and I have visited the site from the street, alley, and adjacent property owners.
3. I have reviewed most of the documents available for the proposed short subdivisions and ten-dwelling development at the Subject Property<sup>1</sup>.

<sup>1</sup> Referenced Public Records Request and SDCI's Electronic Data Management System at <http://web6.seattle.gov/dpd/edms/>

DECLARATION of DAVID MOEHRING in  
SUPPORT OF THE APPELLANTS' ARGUMENT  
AGAINST MTD & SJ – 1  
MUP-19-019 – MUP-19-020

David Moehring AIA NCARB  
3444B 23<sup>rd</sup> Ave WEST  
Seattle WA 98199

1 4. I am quite familiar with the Seattle land use code, Title 23 and the environmental code, Title 25.

2 I am a licensed architect within the State of Illinois since 1989 (#001.012961) and registered  
3 with the National Council of Architectural Registration Boards (record number 95148).

4  
5 5. I have testified on land-use height, bulk, and scale issues relative to the Mandatory Housing  
6 Affordability and declared in expert for this testimony by the City's representing attorney and  
7 confirmed by the Hearing Examiner relative to Case Details for HE File Number: W-17-006.  
8 The testimony was presented on August 20, 2018 (day 11), and recorded with the City Closing  
9 Brief Volume 9-12, transcript pages 201 – 220.  
10

11 <https://web6.seattle.gov/Examiner/case/document/10852>

12 6. Without any distortion of the facts, I have prepared the reply in Opposition to the Applicants'  
13 and Owner's motions to dismiss land use appeal and for Summary Judgment.  
14

15 **I. Arguments and Statements of Fact**

16 1. I support the Appellants' arguments in reply to the Motion to Dismiss and Summary  
17 Judgment.  
18

19 2. I support the Appellants' evidence that proves there exists at least two solutions to  
20 provide equitable size of dwellings while at the same time retaining all of the significant trees.  
21

22 3. Contrary to the motion for dismissal, the use of the short subdivision is for the sole  
23 purpose to increase the Floor Area Ratio (FAR) and number of family-sized market-rate dwelling units.

24 4. Appeal Attachment 'J1' – Evidence the a tree inventory has been completed including  
25 an Exceptional, good condition, and healthy 38" DBH Scot's Pine and a neighboring property 26"  
26 DBH Douglas Fir.  
27  
28  
29  
30

1           5.       Appeal Attachment 'J2' – Evidence that architect has considered Exceptional tree while  
2 reducing up to one third of the dripline; but no response to City staff inquiry that the Douglas fir will be  
3 protected.

4           6.       Appeal Attachment 'K' – Building Plans Examiner Supervisor requiring the effect that for east  
5 shoring to provide “global site stability”.

6           7.       Appeal Attachment 'L1' – Planners reviewing the condition to stabilize the upslope lot  
7 with “site stabilization” on the downslope lot.  
8

9           8.       Appeal Attachment 'L2' - Geotechnical Engineering Group identifying a “huge stability issue”  
10 for the Subject Properties. Usually, this would be addressed first within a SEPA review.  
11

12           9.       Appeal Attachment 'M' – The development set for 3410 23<sup>rd</sup> Ave W that includes the  
13 short subdivision documents, landscape drawings, standards, floors plans, elevations and sections.  
14 These documents are missing ant wording or locations of vehicular access easements – especially for  
15 emergency use.  
16

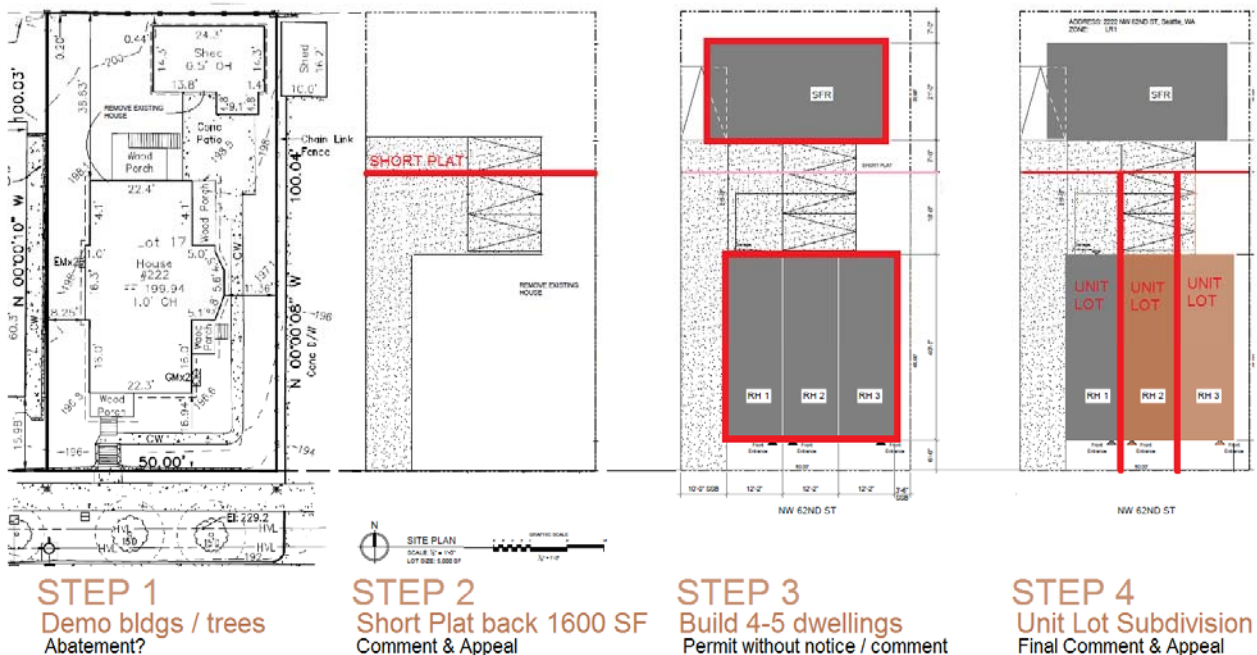
17           10.      Appeal Attachment 'N' – The development set for 3418 23<sup>rd</sup> Ave W that includes the  
18 short subdivision documents, landscape drawings, standards, floors plans, elevations and sections.  
19 These documents are missing ant wording or locations of vehicular access easements – especially for  
20 emergency use.  
21

22           11.      Appeal Attachment 'O' – Example of alternative platting for a similar lot on a steep  
23 slope at 345214<sup>th</sup> Ave W. with a similar unopened alley.  
24

25           12.      Appeal Attachment 'P' – June 27, 2019 confirmation from the Fire Prevention Division  
26 of the Seattle Fire department that they have no documentation for any of the applicable SDCI project  
27 numbers. This evidence indicates the Department did not follow the decision criteria relative to  
28 vehicular access easements especially for emergency use.  
29  
30

13. Appeal Attachment 'Q' – August 10 2017 Code analysis “Rowhouse Developments on LR1-Zoned Lots Code Analysis”, by David Moehring.

14. The traditional non-compliant policy endorsed by the Department is a series of permits – usually running in tandem, that take a typical lot, subdivide it as if it were two separate projects, and then bypass rowhouse development rules of SMC23.84A.032.R.20. The Seattle Municipal Code does not allow exceptions to the rowhouse development rules through the use of lot segregation.



I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 1<sup>st</sup> day of July, 2019 in Seattle, Washington

*David Moehring*  
David Moehring AIA NCARB

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