

Barbara Dykes Ehrlichman, Deputy Hearing Examiner

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal by)	Hearing Examiner Files:
)	MUP-19-019, MUP-020 and MUP-19-021
)	
Neighbors to Mirra Homes Developments)	SDCI Reference 3032834-LU / 3032833-LU/
from Decisions Issued by the Director)	3032857-LU and related actions
of the Seattle Department of)	
Construction and Inspections)	AMENDED APPELLANT LIST
_____)	OF WITNESSES AND EXHIBITS

(THIS SUPPLEMENTS THE PRELIMINARY WITNESS AND EXHIBIT LIST)**I. INTRODUCTION**

The intent of this document is to amend the Appellant Preliminary List of Witnesses and Exhibits dated the 15th of July 2019. Descriptions of witnesses listed within the Preliminary List are still applicable unless amended herein. The Exhibit List below includes two additional option columns of information beyond the required Appellant Exhibit # (number) and Exhibit Description. Those columns are for planning and informational purposes only, and are subject to change up to and including the appeal hearings. Also supplemental to the requirements of this document are a proposed list of dates and times (listed below) that are hereby moved for the Hearing Examiner and the Parties' consideration. Please advise the Appellants of any proposed modifications to the sequence and order and durations by August 7, 2019 for the purposes of informing the witnesses.

All Dates and Times are tentative:**MONDAY, August 12** (8:40am Appellant request access to room for display screen setup)

- 1. 9:00am Introductions, Examiner ground rules, itinerary adoption, other...**
- 2. 9:15am Opening Statements**

Project Intent and Scope and Issues relative to this appeal:

- 3. 9:45am Julian Weber for Katie Luedeman (or Architect in charge), JW Architects**
- 4. 10:30am Colt Boehm, Mirra Homes**

Short Plat Application documents:

5. 11:30am Andy McAndrews, Terrane

SDCI Engineering and to Short Plat including Condition, Criteria:

6. 2:00pm David Landry, Planner for Engineer

TUESDAY, August 13

7. 9:00am Harold Scoggins, Fire Chief
 8. 10:00am H. Michael Xue, P.E. (or, if qualified, John A. Manke), PanGEO
 9. 11:00am Jay La Vassar
 10. 1:00pm Jay La Vassar
 11. 2:00pm Todd McChesney, 3417 / 3419 22nd Ave W building
 12. 2:30pm David Landry, Planner for Director Torgelson
 13. 3:30pm Tony Shoffner, Arborist (13th after 10am)
 14. 4:15pm Michael Oxman, Arborist

WEDNESDAY, August 14

15. 9:00am Hearing Examiner Briefing (optional)
 ~~Toby Thaler, Seattle lawyer (removed)~~
 16. 9:15am David Moehring, Architect
 17. 11:00am Other parties witnesses

II. FINAL APPELLANT EXHIBIT LIST

<u>Witness</u>	<u>Exhibit #</u>	<u>Description</u>	<u>Topic</u>
SDCI	Appellant Tab set A	SDCI 3410 address short plat decision dated April 29, 2019 and Notice of Short Plat dated January 17, 2019 (2 docs)	Conditioned
SDCI	Appellant Tab AA	SDCI Land Use Applications for 3422 and 3420 23 rd Ave W dated November 26, 2017; and decision (2 docs)	Segmented process of permitting; conditioning
SDCI	Appellant Tab set B	SDCI 3416 address short plat decision dated April 29, 2019 and 3418 address Notice of Land Use Application Plat dated December 3, 2018; and 3414	Conditioned

FROM NEIGHBORS TO MIRRA HOMES DEVELOPMENT

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		23RD AVE W Notice of Subdivision Application dated October 25, 2018(3 d)	
SDCI	Appellant Tab BB	SDCI list of project records for 3420, 3422 and 3424 23 rd Ave W	Segmented process of permitting ; Source of project records
Moehring; Arborist; Civil	Appellant Tab C, C-1	Photos annotated showing existing conditions	Emergency Access; Retention of Trees
SDCI	Appellant Tab CC	Sign for 3420 and 3422	Rowhouse; error 2 verses 3 buildings
SDCI	Appellant Tab CC1	Sign for 3410 and 3412	Rowhouse; 2 buildings
SDCI	Appellant Tab D	SDCI Correction comments for 2310-3418 23 rd Ave W	8 parts;___; Fire; Easements
SDCI	Appellant Tab DD	SDCI Correction comments for 2320-3424 23 rd Ave W	
Terrane	Appellant Tab E	Terrane-prepared existing plat and site plan drawings	Topo drawings
PanGEO/ JW	Appellant Tab F	JW Architects-prepared Lot A Site Plan	Conditioned Short Plat
	Appellant Tab EE	(skipped)	
	Appellant Tab FF	SDCI Short Plat Decision for 3422 address issued May 28, 2019	
PanGEO	Appellant Tab G	PanGEO-prepared Report Sept 28,2018 3032940-LU; Poster of composite of all three parent lots	Access Easement
	Appellant Tab GG	Correspondence between Henry McGuire and Director and City Staff	
PanGEO	Appellant Tab H	PanGEO-prepared report dated November 30, 2018.	Conditioned Short Plat
Moehring	Appellant Tab HH	Plat Map (6)	

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SDCI	Appellant Tab I	“Vehicle Access Easement Standards” issued October 31, 2017.	Access Easement
PanGEO/ Jay	Appellant Tab II	AASHTO Vehicle https://www.bestmaterials.com/PDF_Files/geometric design highways and streets aashto.pdf	Access Easement ; pp 2, 11-39, 56-84, 234, 276, 398-447, 455-457
Shoffner / JW Arch	Appellant Tab J	Tree inventory and architect’s consideration for trees. (2 docs)	Tree Retention
SDCI	Appeal Tab K	Building Plans Examiner Supervisor “global stability of site”.	Conditioned Short Plat
SDCI	Appeal Tab L	Planners’ correspondence reviewing “site stabilization”.	Conditioned Short Plat
SDCI & Terrane & JW	Appeal Tab M	Drawing set (20 pp) for 3410 23rd Ave W.	Easements; Short Plat; Access
SDCI & Terrane & JW	Appeal Tab MM	Drawing set (13 pp) for 3412 23rd Ave W.	Easements; Short Plat; Access
SDCI & Terrane & JW	Appeal Tab N	Drawing sets (20 pp) for Subject Properties from 3418 23rd Ave W.	Easements; Short Plat; Access
SDCI & Terrane & JW	Appeal Tab NN	Drawing set (16 pp) for Subject Properties from 3416 23rd Ave W	Easements; Short Plat; Access
SDCI & Terrane & JW	Appeal Tab O	Drawing sets (21 pages)for Subject Properties from 3422 23rd Ave W.	Easements; Short Plat; No Access
SDCI & Terrane & JW	Appeal Tab OO	Drawing sets (11 pages)for Subject Properties from 3424 23rd Ave W.	Easements; Short Plat; No Access
	Appeal Tab P	Fire Prevention Division of the Seattle Fire of no documentation.	
Moehring	Appeal Tab Q	August 10 2017 Code analysis “Rowhouse Developments on LR1-Zoned Lots Code Analysis”	
Moehring / SDCI	Appellant Tab R	Reply to SDCI Motion; SDCI Memo and TIPS 256	Interpretations

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Moehring	Appellant Tab S	Appellant Reply to Applic/Owner MTD & SJ	
Mirra, SDCI	Appellant Tab 1	Project Applications	Intent of SP: Multiple Applications, Why?
Mirra, SDCI	Appellant Tab 2	Exhibit A of SMC 23.84A.024	Multiple Applications, Why?
SDCI	Appellant Tab 3	Case – “Exclusive Easement”	Access Easement
Moehring	Appellant Tab 4	Declaration(s) of David Moehring July 1, 2019	Short Plat to Circumvent
SDCI	Appellant Tab 5	Short Plat application and public comment	Upzone Sh. Plat Circumvent;
	Appellant Tab 6	Revised Street Tree and Correspondence	Tree Retention
SDCI	Appellant Tab 7	SDCI Tips 213A Application Requirements for Short Plats	From Gerry appeal
SDCI	Appellant Tab 8	Definition of Exclusive	Access Easement
Moehring	Appellant Tab 9	MUP-19-019 Reply in Opposition to Applicant and Owner MTD & SJ dated July 1, 2019	
SDCI	Appellant Tab 10	King County Title 19	ROWHOUSE
Moehring	Appellant Tab 11	Maps of Short Plat Examples; and list	Short Plat to Circumvent
Moehring	Appellant Tab 12	5 examples of Short Plats; 1 with memo	Access; Added 6 th examp 2432 and 2430 NW 60 th to SDCI
	Appellant Tab 13	Correspondence of Scott Pawling from Public Records request	
	Appellant Tab 14	Zoning Maps for Area (3)	
	Appellant Tab 15	[blank]	
Terrane	Appellant Tab 16	Declaration of McAndrews dated 18 June 2019	Fire Dept Review; and supplement to City only

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SDCI	Appellant Tab 17	SMC Reference LR comparison; http://www.seattle.gov/DPD/Planning/Multifamily_Code_Update/Overview/	Rowhouse Development Rule
SDCI	Appellant Tab 18	Sally Clark: 2010 Changes to 23.45	Rowhouse Development Rules
Moehring	Appellant Tab 19	Supplemental Authority MUP-17-036	Rowhouses from Short Plat; Applicable 23.84A
Moehring	Appellant Tab 20, 20.1	Subpoenas Issued by Hearing Examiner; Subpoena Order	
SDCI	Appellant Tab 21	Torgelson Documents resulting from Subpoenas ; SDCI Engineer Documents resulting from Subpoenas	Short Plat A, B, C
SDCI	Appellant Tab 22	SDCI Engineer Documents resulting from Subpoenas [PENDING REPLY]	Conditional
Fire Dept / Jay	Appellant Tab 23	Turn Arounds and International Fire Code Appendix D	Emergency Access
Fire Dept	Appellant Tab 24	Harold Scoggins documents resulting from Subpoenas and typical fire truck	Emergency Access
	Appellant Tab 25	[UNUSED]	
JW Arch	Appellant Tab 26	JW Architects Documents resulting from Subpoenas	Emergency Access; tree retention
	Shoffner asked to testify August 13 after 10am		
Tony Shoffner	Appellant Tab 27	Arborist Services Documents resulting from Subpoenas	Arborist Scope of Services
Tony Shoffner	Appellant Tab 28	Arborists Justification Documents resulting from Subpoenas	Arborist photos (winter??)
Moehring	Appellant Tab 29	Neighbors' Declarations	Public Interest
	Appellant Tab 30	[UNUSED]	
Jay LaVasser	Appellant Tab 31	http://www.seattle.gov/dpd/LandslideStudy/figb18.pdf Seattle Area Landslide Map	Emergency Access

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Jay LaVasser	Appellant Tab 32	SEPA Checklist from 3412 23rd Ave W	Conditioned Short Plat
David	Appellant Tab 33	CV Profile of David Moehring AIA NCARB	All
	Appellant Tab 34	CV Profile of Jay La Vasser	
David	Appellant Tab 35	CV Profile of Michael Oxman, Arborist	Tree Retention
David	Appellant Tab 36	Alternative Platting Options <i>(included in digital transfer on July 31)</i>	Short Plat
	REFERENCE CODES AND DIRECTOR'S RULE (no print)	This list of code sections are for the parties' information and are applicable to the code prior to the Spring 2019 MHA modifications.	
	Director's Rule 7-2018		
	Director's Rule 18-2007		
	Director's Rule 16-2008		
SDCI	SMC 23.24		Short Plat criterion of 23.24.040.A.9
SDCI	SMC 23.44		Decision SMC 23.44.008
SDCI	SMC 23.45		Table A 512
SDCI	SMC 23.53	Emergency vehicle access	Vehicle access
SDCI	SMC 23.54	Including driveway standards 23.54.030.D.1	Vehicle access
SDCI	SMC 23.76	Including SMC 23-76-028	
SDCI	SMC 23.84A	Including but no limited to Legal Lot (.024) and Rowhouse Development (.032)	
SDCI	SMC 23.88		interpretations
SDCI	SMC 25.05		
SDCI	SMC 25.09		Decision 25.09.070, and 25.09.080 A and B
SDCI	SMC 25.11		25.11.050 and/or 25.11.060

Fire Dept	IFC Appendix D (see 'S')	Access Maneuvering space and Distance for dead-end	Access
	Seattle Fire Code Chapter 10	If the lot does not have vehicular access from a street or private easement that meets the regulations for fire access roads	

III. AMENDED WITNESSES

1. Katie Luedeman of JW Architects LTD will not be testifying and will be replaced by the Principal of the firm, Julian Weber.
2. Rebecca Herzfeld (or equitable Seattle staff member), will not be testifying as listed in the preliminary list.
3. Henry (Hank) McGuire is unable to testify due to a schedule conflict and will be issuing a declaration statement relative to a submitted exhibit prior to the hearing.
4. Michael Oxman, Arborist; has been added since the preliminary list and shall be asked to peer review the multiple arborist reports that were prepared and the review the inventory and tree conditions as viewed on location and as shown on the application documents. His testimony is relative to the retention of existing trees as a criteria for Short Plats. His testimony is expected to last 30-minutes.
5. Toby Thaler, listed in the July 31st list, has not prepared a timely profile and, therefore, will not be testifying.
6. All other witnesses listed in the Preliminary list are included herein.

Dated this 1st day of August 2019 (amended from the July 31, 2019 posting).

Respectfully submitted,



David Moehring,
Neighbors to Mirra Homes Developments,
3444B 23rd Avenue West
Seattle, Washington 98199

Certificate of Service

I, David Moehring, certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies, via e-mail, of the attached Neighbors to Mirra Homes Developments **Appellant LIST OF WITNESSES AND EXHIBITS** to every person listed below, in the matter of the **Short Plat Subdivisions**, Hearing Examiner combined case files MUP-19-019, MUP-19-020 and MUP-19-021.

Department:

David Landry
Seattle Department of Construction & Inspections
PO Box 34109
Email: david.landry@seattle.gov

Applicant (-020,-021):

Andy McAndrews
Terrane
10801 Main St Suite 102
Bellevue, WA 98004
Email: andym@terrane.net

Applicant: (-019):

Brooke Friedlander
Mirra Homes
11624 SE 5th St Suite 210
Bellevue, WA 98005
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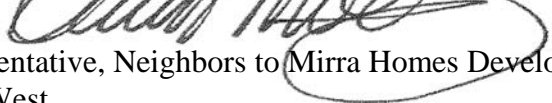
Applicants Legal Counsel:

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Dated August 1, 2019

David Moehring 
Appellant Representative, Neighbors to Mirra Homes Developments
3444B 23rd Ave West
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