

BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of ) Hearing Examiner File:  
 ) **MUP-18-001**  
DAVID MOEHRING, NEIGHBOR )  
TO 3641 22<sup>ND</sup> AVE W )  
 ) APPELLANT'S FINAL  
Of the SHORT PLAT SUBDIVISION) WITNESS AND EXHIBIT LIST  
to Create Two Parcels of Land from )  
the Lot at 3641 22<sup>nd</sup> Ave West )  
 )

Pursuant to the Prehearing Order dated January 31, 2018, Appellant David Moehring, Neighbor to 3641 22<sup>nd</sup> Avenue West, submits its Final Witness and Exhibit List. These lists are inclusive as possible, less documents requested via prior discovery and yet to be provided. The most recent discovery request to the SDCI, Appellant's Second Interrogatories and Requests for Documents to Respondent, was dated March 8, 2018, with production of documents requested within 30 days. This second request was submitted following the Applicant's objection of February 27, 2018 in responding to the First Interrogatories and Requests for Documents to Respondent. The remaining relative questions of the Second Interrogatory include the following questions and corresponding production requests:

**Interrogatory No. 5:** Permit application #6596711 accepted by SDCI on October 19, 2017 was submitted by the Applicant to "Establish use rowhouse and construct new townhouse building, *per plan*" (emphasis added). Does the SDCI have any record from the Applicant of the

designated “plan” for rowhouse and new townhouse building for this or any other application on the Subject Property?

**Interrogatory No. 6:** Permit application #6596711 includes an arborist e-mail dated October 17, 2017. This email from Ryan Ringe of Arbor Options, LLC states that “There were no (0) R.O.W. trees, three (3) significant subject property trees (None Exceptional), and two (2) encroaching adjacent property significant trees (including one Exceptional tree, #B).” By the provisions of SMC Section 25.11.070 for Exceptional trees, has documents been submitted to show the location of the exceptional tree relative to the Subject Property, including the tree’s dripline and root feeder zone?

**Interrogatory No. 7:** Has the SDCI requested any alternative layouts of the short plat to the Subject Property to evaluate whether the proposed division of land is designed to maximize the retention [and protection of] of existing [significant and exceptional] trees per SMC 23.24.040?

**Interrogatory No. 8:** Has the SDCI requested (a) all geotechnical evaluations in order to demonstrate the application is in conformance to the applicable provisions of Section 25.09.240 in environmentally critical areas; and (b) has SDCI been provided records of the grades and contours around the Subject Property prior to the sidewalks being installed in the Right-of-Way?

**Interrogatory No. 9:** Has any requests for interpretation been received from the SDCI from the Applicant for this or any other short subdivision application within Seattle since 1982? If so, elaborate on the interpretations provided.

Although not specifically listed herein, the exhibits shall inherently include the original appeal and all documents that were previously submitted to the Office of the Hearing Examiner and recorded on the website for MUP-18-001. Also not included with the list herein, but will be referenced in the appeal hearing, are all relative sections of the Seattle Municipal Code (hereafter “SMC”) Land Use Title 23. Also not included with the list herein, but will be referenced in the appeal hearing, are all relative documents available specifically for this project on the Seattle Department of Construction and Inspections (hereafter the “SDCI”). The list of these Public Records have been included herein for the convenience of all parties. Records dated subsequent to the date of this appeal will not be referenced as part of the Appellant’s arguments. These public records are available for the following assigned addresses and links:

King County Assessor Parcel #: [2770601655](#)  
[3641 B 22ND AVE W, 3641 22ND AVE W, 3641 A 22ND AVE W and 3641 D 22ND AVE W.](#)  
<http://www.seattle.gov/dpd/toolsresources/Map/default.htm?lat=47.65337&lon=-122.38495&dap=Y&addr=3641%2022ND%20AVE%20W>

## Public Record Documents List 1 of 3

Project Number	Document	Format	Document Date	Capture Date	Size
3028431	<a href="#">Notice: Notice of Change to Hearing Date &amp; Parties</a>	pdf		02/05/2018	14 KB
3028431	<a href="#">Other: Order of Continuance &amp; PreHearing Order</a>	pdf		02/02/2018	1003 KB
3028431	<a href="#">Other: Important Appeal Information</a>	pdf		02/02/2018	22 KB
3028431	<a href="#">Public Comment Letter: Moehring 1/17/18</a>	pdf		01/21/2018	80 KB
3028431	<a href="#">Notice: Notice of Appeal &amp; Parties</a>	pdf		01/18/2018	73 KB
3028431	<a href="#">Other: Notice of Appeal Hearing &amp; Certificate of Service</a>	pdf		01/17/2018	561 KB
3028431	<a href="#">Other: Important Appeal Info</a>	pdf		01/17/2018	40 KB
3028431	<a href="#">Other: Appeal Statement The Neighbors/Moehring</a>	pdf		01/09/2018	320 KB
3028431	<a href="#">Public Comment Letter: Moehring 12/20/17</a>	pdf		12/22/2017	64 KB
3028431	<a href="#">Decision/Recommendation</a>	pdf		12/19/2017	274 KB
3028431	<a href="#">Notice: Notice of Decision &amp; Parties</a>	pdf		12/18/2017	325 KB
3028431	<a href="#">Other Correction Letter: Cycle 1 corrections for Land Use Review</a>	pdf		11/27/2017	40 KB
3028431	<a href="#">Other: CORRECTION RESPONSE CITY LIGHT</a>	pdf		10/30/2017	48 KB
3028431	<a href="#">Other: CORRECTION RESPONSE LAND USE</a>	pdf		10/30/2017	45 KB
3028431	<a href="#">Other: CORRECTION RESPONSE ADDRESSING</a>	pdf		10/30/2017	43 KB
3028431	<a href="#">Plan Set: Plan SetV3</a>	pdf		10/30/2017	647 KB

APPELLANT WITNESS AND EXHIBIT LIST - 3

DAVID MOEHRING  
APPELLANT REPRESENTATIVE,  
3444 23<sup>RD</sup> AVE WEST, SEATTLE, WA 98199

Project Number	Document	Format	Document Date	Capture Date	Size
3028431	<a href="#">Public Comment Letter: Moehring 10/24/17</a>	pdf		10/26/2017	142 KB
3028431	<a href="#">Other: Correction Prior to Recording</a>	pdf		09/01/2017	39 KB
3028431	<a href="#">Other Correction Letter: Cycle 1 corrections for LAND USE</a>	pdf		08/29/2017	39 KB
3028431	<a href="#">Other Correction Letter: Cycle 1 corrections for CITY LIGHT</a>	pdf		08/21/2017	42 KB
3028431	<a href="#">Public Comment Letter: Moehring 8/3/17</a>	pdf		08/09/2017	4 MB
3028431	<a href="#">Public Comment Letter: Tilleson 8/3/17</a>	pdf		08/03/2017	12 KB
3028431	<a href="#">Notice: Notice of Application</a>	pdf		08/03/2017	229 KB
3028431	<a href="#">Other: Notice Team GIS map</a>	pdf		07/26/2017	3 MB
3028431	<a href="#">Geotechnical Report</a>	doc		07/25/2017	255 KB
3028431	<a href="#">Plan Set: Plan SetV2</a>	pdf		07/25/2017	1065 KB
6604283	<a href="#">Side Sewer: Inspection</a>	tif	07/13/2017	07/14/2017	36 KB
6604283	<a href="#">Side Sewer: Inspection</a>	tif	06/30/2017	07/03/2017	36 KB
3028431	<a href="#">Financial Responsibility Form</a>	pdf		06/29/2017	430 KB
3028431	<a href="#">Cover Sheet</a>	pdf		06/29/2017	1497 KB
3028431	<a href="#">Plan Set</a>	pdf		06/29/2017	594 KB
6604283	<a href="#">Side Sewer: Application Materials</a>	tif	06/22/2017	06/23/2017	65 KB
3028431	<a href="#">Site Plan</a>	pdf		06/04/2017	142 KB

## Public Record Documents List 2 of 3

Project Number	Document	Format	Document Date	Capture Date	Size
6610369	<a href="#">Other Correction Letter: Cycle 1 corrections for GEO SOILS</a>	pdf		01/09/2018	42 KB
6610369	<a href="#">Other Correction Letter: Cycle 1 corrections for DRAIN/SANI</a>	pdf		11/21/2017	44 KB
6610369	<a href="#">Other Correction Letter: Disregard</a>	pdf		11/21/2017	40 KB
6610369	<a href="#">Public Comment Letter: Moehring 11/14/17</a>	pdf		11/17/2017	182 KB
6610369	<a href="#">Other Correction Letter: Cycle 1 corrections for Land Use Review</a>	pdf		11/11/2017	40 KB
6610369	<a href="#">Other Correction Letter: Cycle 1 corrections for ORD STRUCT</a>	pdf		11/09/2017	42 KB
6610369	<a href="#">Other Correction Letter: Cycle 1 corrections for ADDRESSING</a>	pdf		11/08/2017	40 KB
6610369	<a href="#">Intake Transmittal</a>	docx		10/10/2017	36 KB
6610369	<a href="#">Other: Structural Calcs</a>	pdf		10/10/2017	2 MB
6610369	<a href="#">Cooling and Heating Calculations</a>	pdf		10/10/2017	310 KB
6610369	<a href="#">Cover Sheet</a>	pdf		10/10/2017	506 KB
6610369	<a href="#">Geotechnical Report</a>	doc		10/09/2017	255 KB
6610369	<a href="#">Other: memorandum of Drainage control</a>	pdf		10/09/2017	175 KB
6610369	<a href="#">Other: Onsite stormwater management list approach Calculator</a>	pdf		10/09/2017	161 KB
6610369	<a href="#">Other: spray foam specs</a>	pdf		10/09/2017	1061 KB
6610369	<a href="#">Other: Simple infiltration test checklist</a>	pdf		10/09/2017	1458 KB

Project Number	Document	Format	Document Date	Capture Date	Size
6610369	<a href="#">Contractor Disclosure</a>	pdf		10/09/2017	779 KB
6610369	<a href="#">Owner's Authorization</a>	pdf		10/09/2017	404 KB
6610369	<a href="#">Waste Diversion Plan</a>	pdf		10/09/2017	824 KB
6610369	<a href="#">Screening Corrections</a>	pdf		07/28/2017	185 KB
6610369	<a href="#">Site Plan</a>	pdf		07/28/2017	182 KB

### Public Record Documents List 3 of 3

Project Number	Document	Format	Document Date	Capture Date	Size
6596711	<a href="#">Other Correction Letter: Cycle 1 corrections for GEO SOILS</a>	pdf		01/17/2018	46 KB
6596711	<a href="#">Other Correction Letter: Cycle 1 corrections for Land Use Review</a>	pdf		12/18/2017	49 KB
6596711	<a href="#">Other Correction Letter: Cycle 1 corrections for ORD STRUCT</a>	pdf		12/15/2017	50 KB
6596711	<a href="#">Other Correction Letter: Cycle 1 corrections for DRAIN/SANI</a>	pdf		12/06/2017	42 KB
6596711	<a href="#">Public Comment Letter: Moehring 11/14/17</a>	pdf		11/17/2017	182 KB
6596711	<a href="#">Other Correction Letter: Cycle 1 corrections for ECA REVEG</a>	pdf		11/09/2017	40 KB
6596711	<a href="#">Intake Transmittal</a>	docx		10/18/2017	37 KB
6596711	<a href="#">Other: Simple Infiltration Test Checklist</a>	pdf		10/17/2017	1412 KB
6596711	<a href="#">Other: geotechnical plan review letter</a>	doc		10/17/2017	254 KB

APPELLANT WITNESS AND EXHIBIT LIST - 6

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Project Number	Document	Format	Document Date	Capture Date	Size
6596711	<a href="#">Waste Diversion Plan</a>	pdf		10/17/2017	839 KB
6596711	<a href="#">Owner's Authorization</a>	pdf		10/17/2017	430 KB
6596711	<a href="#">Contractor Disclosure</a>	pdf		10/17/2017	783 KB
6596711	<a href="#">Other: street tree requirements from SDOT</a>	pdf		10/17/2017	112 KB
6596711	<a href="#">Arborist Report</a>	pdf		10/17/2017	626 KB
6596711	<a href="#">Other: spray foam insulation specs</a>	pdf		10/17/2017	877 KB
6596711	<a href="#">Other: Memorandum of Drainage Control</a>	pdf		10/17/2017	175 KB
6596711	<a href="#">Other: Stormwater Management calculator</a>	pdf		10/17/2017	162 KB
6596711	<a href="#">Cooling and Heating Calculations</a>	pdf		10/17/2017	409 KB
6596711	<a href="#">Cover Sheet</a>	pdf		10/17/2017	505 KB
6596711	<a href="#">Geotechnical Report</a>	doc		10/08/2017	255 KB
6596711	<a href="#">Other: Approved Relief From Prohibition On Steep Slope Development</a>	pdf		06/29/2017	39 KB
6596711	<a href="#">Site Photo: Photo Doc 5/30/2017 9:43 AM</a>	pdf		05/30/2017	53 MB
6596711	<a href="#">Site Plan: Site PlanV2</a>	pdf		05/25/2017	166 KB
6596711	<a href="#">Other: revised site plan</a>	pdf		05/22/2017	166 KB
6596711	<a href="#">Site Plan</a>	pdf		05/15/2017	121 KB

APPELLANT WITNESS AND EXHIBIT LIST - 7

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APPELLANT EXHIBIT LIST

**Exhibit #**      **Description**

Appellant Exhibit 1 2018 Jan 7 Appeal as Amended

Appellant Exhibit 2 3641 Decision Recommendation

Appellant Exhibit 3 3641 22nd Ave W SDCI Index Oct 2017

Appellant Exhibit 4

Appellant Exhibit 5

Appellant Exhibit 6 Photo Doc 5 30 2017

Appellant Exhibit 7 3641 22ND AVE W Plan Set V

Appellant Exhibit 8 3641 Site Intent May2017

Appellant Exhibit 9 - Applicant as Appellant Exhibit A of SMC 23.88A.024

Appellant Exhibit 10 Vehicle Access Easement Standards

Appellant Exhibit 11 Maps of Short Plat Examples

Appellant Exhibit 12 Eight examples of Short Plats

Appellant Exhibit 13 Moehring Comments

Appellant Exhibit 14 SMC Reference LR comparison

Appellant Exhibit 15 Arborist Report.pdf

Appellant Exhibit 17 Tips 213A

Appellant Exhibit 18 Geotechnical Report July 15 2017

Appellant Exhibit 20 Owner's Authorization

Appellant Exhibit 21 Applicant's Answers to Appellant's 1st Rogs and RFPs

Appellant Exhibit 22 Dictionary definition of exclusive

Appellant Exhibit 23 Resume of Michael Oxman, Certified Arborist

Appellant Exhibit 24



Appellant Exhibit 25 January 16, 2015 Lowrise Multifamily Code Adjustment

Appellant Exhibit 26 Profile of David Moehring, Architect

Appellant Exhibit 27 Excerpts from SMC 23.49 to 23.53

## APPELLANT WITNESS LIST

### Expert Witness List:

1. Michael Oxman, ISA Certified Arborist. Mr. Oxman has been an arborist with a Tree Risk Assessment Qualification since 1985, as well as having experience with Seattle Parks in 2002 and 2003. He will address to the completeness of the owner-engaged arborist report, and the SDCI Director's application of the criteria for Short Plat approval relative to existing trees.

(1-1/2 hours)

2. Geoffrey Wentlandt, [Geoffrey.Wentlandt@seattle.gov](mailto:Geoffrey.Wentlandt@seattle.gov); City Planner

### Fact Witness List (by Motion of Subpoena)

1. Mr. Loren Landerholm, Sound Equities, Inc. Owner, Seattle, WA 98139-0173

2. Neil Buchanan, GHA Landscape Architects, Architect, 1417 NE 80th St, Seattle, WA 98115

3. John Hoey, Seattle Planning Commission Senior Policy Analyst

Additionally, the Appellant reserves the right (a) to call any witness identified by any party, (b) to use any of the documents identified by any other party, (c) to call substitute witnesses if any identified witness becomes unavailable, (d) to call rebuttal witnesses, (e) to call additional witnesses as allowed by Seattle Hearing Examiner Rules, and. (f) to supplement this preliminary witness and document list as new or more information becomes available.

Time period for each witness's testimony per Hearing Examiner's Order. The approximate time periods for each witness's direct testimony (in parentheses at the end of each

witness summary) does not include time to authenticate documents, arguments about the  
admissibility of documents if the Respondent will not stipulate to admission of the document(s),  
nor time for cross examination and re-direct testimony.

Dated: March 29, 2018

By:  
David Moehring  
Authorized Representative for Appellant