

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of)	Hearing Examiner File:
)	
DAVID MOEHRING)	MUP-18-001 (P)
)	
from a Decision issued by the Director, Seattle)	Department reference:
Department of Construction and Inspections)	Project 3028431
)	
)	SDCI Reply to Appellant Closing Statement

The appellant makes two claims in his closing statement:

- 1) He asserts that the short subdivision decision is flawed because it approved vehicular access to the proposed lots, even though the short plat plan shows only pedestrian easements to both proposed lots, and further suggests that testimony at hearing regarding pedestrian access should be disregarded because it did not address vehicle access.
- 2) The short subdivision decision did not fully analyze alternative options for arranging lot lines to retain existing trees.

Both arguments are flawed and fail to demonstrate, as required by law, that the SDCI decision is clearly erroneous.

1. With respect to the access issue, the appellant confuses “adequacy of access” to lots with access easement requirements and seeks to improperly broaden the scope of his own appeal, which is limited to the question of whether exclusive access is provided to each proposed lot.

Subsections 23.24.040.A.2 and A.8.d only require analysis of whether access to lots or an easement for access is provided. Neither criterion specifically dictates or addresses whether access must be by easement, whether vehicular or pedestrian. Both lots will have access to both an improved alley and an improved street. Parcel A fronts on an improved street and Parcel B fronts on an improved alley. There is a proposed easement that allows pedestrian access over each lot to either the street or the alley. The access requirements of the Code are met as explained in SDCI’s closing statement.

Further, the appellant’s actual scope of appeal on the access issue is very narrow. He simply challenged adequacy of access based on alleged failure to provide “exclusive” access to each of the proposed lots. This narrow appeal should now be rejected entirely with the decision just

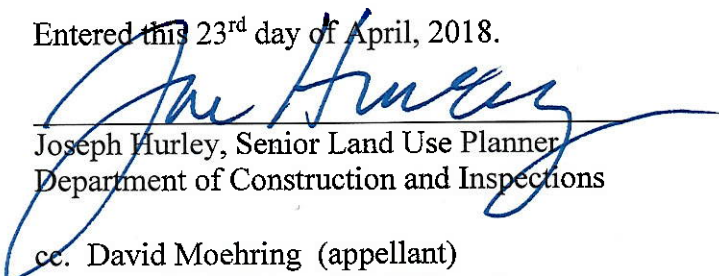
issued in Matter of the Appeal of Gerard Bashein, MUP-17-036 (2018). This decision, at pages 7-9 (Findings of Fact Nos. 21-27) affirms the SDCI position that exclusive easements include the group of lots both served and burdened by any easements within the proposed plat.

2. The appellant has failed to show that the SDCI decision was clearly erroneous in determining that the short subdivision is designed to maximize the retention of existing trees

The appellant's closing statement raises numerous issues of tree protection, including the testimony of witness Mr. Oxman, that are simply beyond the scope of the short subdivision review. As explained in the SDCI closing statement, the SDCI review made a reasonable analysis that the plat lines were drawn in a way that retain trees, and further determined that there was no more reasonable way to draw those lines. The appellant has not offered any alternative plan for different lot lines that would be better. To require more information than has been submitted would be contrary to numerous short subdivision reviews approved by the Office of Hearing Examiner in the past.

The SDCI decision in this matter should be affirmed.

Entered this 23rd day of April, 2018.



Joseph Hurley, Senior Land Use Planner
Department of Construction and Inspections

cc. David Moehring (appellant)
Brandon Gribben (for applicant)

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Department of Construction and Inspections)	3028431
)	3641 22 nd Avenue West
)	
)	Certificate of Service

The undersigned certifies the following:

1. I am a Senior Land Use Planner at Seattle Department of Construction and Inspections (SDCI), representing SDCI in the above-entitled appeal proceeding; I am over the age of majority and am able to testify as to the matters stated herein;
2. On Monday, April 23, 2018, I delivered the SDCI Reply to Appellants' Closing Statement on the appeal in this matter, by e-mail only, to the following named parties:

Via E-Mail Only

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

DATED this 23rd day of April 2018.



Joseph Hurley, Senior Land Use Planner, SDCI