

Denis Law  
Mayor

City of  
**Renton**



City Clerk - Bonnie I. Walton

October 21, 2014

Brent Carson  
Van Ness Feldman  
719 Second Avenue, Suite 1150  
Seattle, WA 98104

Re: Order Authorizing Reconsideration for Vuecrest Estates Preliminary Plat  
LUA-13-000642, ECF, PP, MOD

Dear Mr. Carson:

Attached is your copy of the Hearing Examiner's Order Authorizing Reconsideration dated October 21, 2014, along with your Request for Reconsideration dated October 16, 2014, in the above-referenced matter.

If I can provide further information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason A. Seth".

Jason A. Seth  
Acting Deputy City Clerk

Enc.: HEX's Order Authorizing Reconsideration  
Carson's Request for Reconsideration

cc: Hearing Examiner  
Elizabeth Higgins, Planner  
Jennifer Henning, Planning Director  
Vanessa Dolbee, Current Planning Manager  
Steve Lee, Development Engineering Manager  
Craig Burnell, Building Official  
Sabrina Mirante, Secretary, Planning Division  
Ed Prince, City Councilmember  
Julia Medzegian, City Council Liaison  
Maher Joudi, DR Strong Consulting Eng.  
Parties of Record (46)

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BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: Vuecrest Preliminary Plat

LUA13-000642

)  
) ORDER AUTHORIZING  
) RECONSIDERATION  
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The Applicant has requested reconsideration of the Hearing Examiner's decision on the above-captioned matter. Since the reconsideration request affect parties of record and the interests of the City, the parties of record who testified at the hearing and City staff will be given an opportunity to respond to the request for reconsideration before a decision on the reconsideration request is issued. Any responses must be based upon evidence that is already in the record. No evidence that has not been recorded at the hearing or entered as an exhibit at the hearing will be considered in the reconsideration request.

The Applicant seeks reconsideration of its denial of a variance request to the requirements of RMC 4-6-060, which prohibits the Applicant's proposed dead end street. The Applicant raises a challenging reconsideration issue, because there are three different sets of variance/modification/waiver<sup>1</sup> criteria that each arguably apply to the proposed dead end street. The Applicant argues that the variance criteria of RMC 4-9-250(C) apply. City staff, in the staff report, asserts that the request is a "modification", which would require application of the RMC 4-9-250(D) criteria. The final decision employed the street "waiver" criteria of RMC 4-9-250(C).

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<sup>1</sup> For those not familiar with Renton's variance/modification/waiver standards, RMC 4-9-250(B)(5) allows for the "variance" of zoning standards identified in RMC 4-9-250(B)(1) and other standards in the RMC that expressly authorize application of RMC 4-9-250(C). RMC 4-9-250(C) allows for the "waiver" of street improvements. RMC 4-9-250(D) allows for "modification" of "standards", apparently those standards not subject to the variance or street waiver process. The Applicant's reconsideration request presents the issue of which of these three types of review processes apply – variance, waiver or modification?

1 The weak point in the Applicant's position is that the RMC 4-9-250(C) criteria only applies if RMC 4-6-  
2 060 is considered a requirement of Chapter 4-7 RMC. RMC 4-7-240(A) provides that the criteria of  
3 RMC 4-9-250(C) apply to "the requirements of this Chapter [Chapter 4.7 RMC]". Of course, RMC 4-  
4 6-060 is a part of Chapter 4-6 RMC. The Applicant notes that RMC 4-7-150(D) requires compliance  
5 with RMC 4-6-060. Through this cross-reference, the Applicant argues that RMC 4-6-060 should be  
6 considered a part of Chapter 4-7 RMC. The Applicant's interpretation raises some troubling issues,  
7 notably:

8 1. For the reasons outlined in Footnote 3 of the Final Decision, the variance criteria  
9 advocated by the Applicant would not apply if RMC 4-6-060 were not considered a part of  
10 Chapter 4.7 RMC. This means that a dead end road built as part of a subdivision would be  
11 subject to variance criteria while the waiver criteria would apply for the same dead end street  
12 proposed as part of another type of development proposal. For example, under the  
13 Applicant's interpretation the RMC 4-9-250(C) variance criteria would apply to its proposed  
14 dead end since it's part of a subdivision, but if the exact same street configuration were  
15 proposed as part of a college campus or apartment complex, the modification criteria of RMC  
16 4-9-250(C) would apply instead. Why would the City Council intend that a different safety  
17 standard (as applied in the variance/waiver criteria) apply to the same dead end street simply  
18 because it's part of a subdivision as opposed to another type of development project?

19 2. Street waiver criteria, RMC 4-9-250(C), are precisely designed to address the unique  
20 circumstances applicable to street improvements. Why would the City Council intend to  
21 forego these specifically applicable waiver standards for the generic variance standards of  
22 RMC 4-9-250(B) because a street was proposed as part of a subdivision?

23 3. Subdivision review is subject to numerous development standards that are not cross-  
24 referenced in Chapter 4.7 RMC, such as zoning bulk and dimensional standards<sup>2</sup> and  
25 drainage standards. Why would the City Council intend applicable variance criteria to  
26 differ depending on whether or not a development standard is cross-referenced in Chapter 4-7  
RMC?

A response from the City on the issues raised above would be of particular value, due to the City's  
extensive experience in the adoption and application of the numerous variance/waiver/modification  
criteria in RMC 4-9-250. The City is also requested to explain why it chose to apply the modification  
criteria as opposed to the waiver criteria. The applicability of the modification criteria as opposed to the  
waiver criteria is already addressed to some extent in Footnote 3 of the Final Decision. Further, if the  
issue of which variance/modification/wavier criteria applies has been contested in past examiner  
proceedings, it would be useful for staff to submit copies of the examiner decisions resolving those issues.

### ORDER ON RECONSIDERATION

<sup>2</sup> Some, but not all, bulk and dimensional standards are expressly subject to RMC 4-9.250(B) criteria and therefore  
don't have to be cross-referenced in Chapter 4-7 RMC for RMC 4-9-250(B) to apply. See RMC 4-9-250(B)(1).

- 1 1. Persons who testified at the hearing on the above-captioned matter and City staff shall have until 5:00  
2 pm, October 31, 2014 to provide written comments in response to the request for reconsideration  
3 submitted by the Applicant, dated October 16, 2014.  
4
- 5 2. The Applicant shall have until November 5, 2014 at 5:00 pm to provide a written reply to the  
6 responses authorized in the preceding paragraph.  
7
- 8 3. All written comments authorized above may be emailed to the Examiner at [olbrechtslaw@gmail.com](mailto:olbrechtslaw@gmail.com)  
9 and Elizabeth Higgins at [EHiggins@Rentonwa.gov](mailto:EHiggins@Rentonwa.gov). In the alternative written comments may be  
10 mailed or delivered to Elizabeth Higgins, City of Renton Senior Planner, at 1055 South Grady Way,  
11 Renton, WA 98057. Mailed or delivered comments must be **received** by the City by the deadlines  
12 specified in this Order.
- 13 4. No new evidence may be presented in the replies or responses. All information presented must be  
14 drawn from documents and testimony admitted into the public hearing of this proceeding, held on  
15 September 11, 2014. Applicable laws, court opinions and hearing examiner decisions are not  
16 considered new evidence and may be submitted if relevant to a response or reply to the Applicant's  
17 request for reconsideration.  
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DATED this 21st day of October, 2014.

  
Phil A. Olbrechts

City of Renton Hearing Examiner

CITY OF RENTON

OCT 16 2014

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Via Legal Counsel

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BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: Vuecrest Estates Preliminary Plat

Preliminary Plat  
LUA13-000642

REQUEST FOR  
RECONSIDERATION

**I. INTRODUCTION**

Pursuant to Renton Municipal Code (RMC) 4-8-100(G)(9) and RMC 4-8-110(E)(13), the Applicant for the Vuecrest Estates Preliminary Plat requests that the Hearing Examiner reconsider his Final Decision dated October 3, 2014 (the "Decision") with respect to the issue of secondary access. The Hearing Examiner failed to apply the correct criteria to consider the variance, which was sought under RMC 4-9-250(B). By applying the wrong criteria under RMC 4-9-250(C)(5), the Hearing Examiner reached an erroneous conclusion in his Decision and in the imposition of Condition 13.

REQUEST FOR RECONSIDERATION - 1

**Van Ness  
Feldman** LLP

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1 The Hearing Examiner should also reconsider his decision to accurately apply the  
2 unrefuted testimony by the Applicant's expert, Mr. Carl Anderson<sup>1</sup>, demonstrating that the  
3 variance criteria was met, and in particular, that granting the variance would not be  
4 materially detrimental to public welfare.

5 The Hearing Examiner also should grant the variance and remove Condition 13 to  
6 remedy the fraudulent or negligent misrepresentations by City staff that secondary access  
7 would not be required.

8 Finally, in the alternative, the Hearing Examiner should revise the language in  
9 Condition 13 to provide greater flexibility to achieving secondary access in the future.  
10

## 11 II. ARGUMENT

### 12 A. The Hearing Examiner Should Reconsider the Decision, Apply the Correct 13 Variance Criteria, Grant the Variance and Eliminate Condition 13.

14 The Hearing Examiner Decision mistakenly applied the street improvement  
15 modification provisions set forth in RMC 4-9-250(C) rather than the variance provisions  
16 in RMC 4-9-250(B). Had the correct variance provisions been applied, the unrefuted  
17 evidence presented by the Applicant and its experts should have led the Hearing Examiner  
18 to grant the variance from the secondary access requirements. We ask the Hearing  
19 Examiner on reconsideration to grant the requested variance and strike Condition 13.  
20

21 The approval considered by the Hearing Examiner, in the matter, is for a  
22 Preliminary Plat. Preliminary Plats are regulated by the City of Renton under Title IV,  
23

24 <sup>1</sup> The Examiner also erred by failing to include as an Exhibit in the Decision, Exhibit 38, the resume of  
25 Mr. Anderson, which was offered and admitted (a copy of Exhibit 38 as submitted at the hearing is  
attached).

1 Chapter 7 of the Municipal Code. RMC 4-7-150 establishes the general and minimum  
2 street requirements for plats. RMC 4-7-150(D), which imposes the requirements for  
3 streets in subdivisions, states that: "The street standards set by RMC 4-6-060 shall apply  
4 unless otherwise approved." The street standards in RMC 4-6-060 include those  
5 provisions in RMC 4-6-060(H) Dead End Streets, which were the topic of much  
6 discussion at the public hearing and are at the crux of the secondary access issue. Thus, in  
7 a plat application, the street standards in RMC 4-6-060 are applied through the minimum  
8 street requirements as set forth in Chapter 7, Section 4-7-150.

10 The Hearing Examiner is given express authority to grant variances from the  
11 requirements for subdivisions, as set forth in Chapter 7, including variances from the  
12 street standards. See RMC 4-7-240(1). The Hearing Examiner may grant such a variance  
13 by following the variance procedures set forth in RMC 4-9-250(B). RMC 4-7-240(A)  
14 states: "A variance from the requirements of this Chapter may be approved by the  
15 Hearing Examiner, pursuant to RMC 4-9-250(B)".

17 The Applicant applied for a variance under RMC 4-9-250(B), seeking a variance  
18 from the secondary access standards in RMC 4-6-060, which were being imposed on this  
19 subdivision through RMC 4-7-150. See Exhibit 35, Att. I. The variance application  
20 provided an analysis showing compliance with each of the four criteria under RMC 4-9-  
21 250(B) including, in particular, criteria RMC 4-9-250(B)(5)(b) which states that "the  
22 granting of the variance will not be materially detrimental to the public welfare or  
23 injurious to the property or improvements in the vicinity and zone in which the subject  
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25

REQUEST FOR RECONSIDERATION - 3

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1 property is situated.” The Applicant never asked for a street improvement modification  
2 under section RMC 4-9-250(C). It was an error for the Hearing Examiner to apply the  
3 street improvement modification provisions under RMC 4-9-250(C) when a variance was  
4 sought under RMC 4-7-240(A).

5  
6 At the plat hearing, the witnesses for the Applicant presented unrefuted evidence  
7 that the variance criteria had been met and that the variance should have been granted. In  
8 particular, these witnesses established that approval of the variance would “not be  
9 materially detrimental” as provided in RMC 4-9-250(B)(5)(b). See Testimony of Mr.  
10 Maher Joudi; Testimony of Mr. Carl Anderson; and written testimony of Vincent J.  
11 Geglia, Exhibit 35, Att. K.

12  
13 The Hearing Examiner erred by applying the street improvement modification  
14 standards in RMC 4-9-250(C). By applying the wrong criteria, the Hearing Examiner  
15 mistakenly applied a “no detrimental effect” standard from RMC 4-9-250(C)(5)(e) to the  
16 facts in the case. See Decision at 27.

17 The Decision acknowledges that the unrefuted testimony from the Applicant’s fire  
18 expert, Mr. Carl Anderson, was that the addition of 20 lots “would not be a significant  
19 detriment to public safety based on what’s already in the area.” This expert testimony  
20 confirms compliance with criteria RMC 4-9-250(B)(5)(b) that the variance would not be  
21 materially detrimental to the public welfare. By applying the improper “no detrimental”  
22 standard from RMC 4-9-250(C)(5)(e), the Hearing Examiner mistakenly concluded that  
23 Mr. Anderson’s testimony was not persuasive.  
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REQUEST FOR RECONSIDERATION - 4

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1 Repeatedly, the Decision, as written, demonstrates that by applying the wrong  
2 criteria the Hearing Examiner reached the wrong conclusions in response to the  
3 Applicant's variance request. For example, the Decision states that the burden was on the  
4 Applicant to demonstrate that the single access "would be safe." Decision at 15. There is  
5 no such criterion within the context of the requested variance. The Decision likewise  
6 asserts that the burden was on the Applicant that sprinklers would reduce the fire hazard  
7 "to insignificant levels." Again, these conclusions may be appropriate under the  
8 modification criteria of "no detriment," but these conclusions are erroneous under the  
9 applicable variance criteria.  
10

11 The Examiner should apply the correct variance criteria and, based on the evidence  
12 in this record, grant the variance as requested and strike Condition 13.  
13

14 **B. On Reconsideration, the Hearing Examiner Should Give Proper Weight to**  
15 **the Applicant's Experts who Established that Granting the Variance Would**  
16 **not be Materially Detrimental to Public Welfare.**

17 On reconsideration, the Hearing Examiner should give proper weight to the  
18 testimony of the Applicant's experts and should discount the exaggerated and  
19 questionable testimony presented by staff. The allegation by staff of a dead end street  
20 being 2400 feet long with 99 homes on it failed to accurately describe the "on-the ground"  
21 conditions. Mr. Carl Anderson's unrefuted testimony demonstrated that only 800 feet of  
22 the roadway will have a single access because of the internal secondary access loops that  
23 are provided off of this street along its length. Mr. Anderson's testimony confirmed that,  
24 of the 99 homes that staff alleged to be on this street, 42 of those are on two streets, S 47<sup>th</sup>  
25

1 PL and SE 185<sup>th</sup> PL, that have no impact on access to and from Vuecrest, and of the  
2 existing 57 homes not on those two streets, 36 are within the Stonehaven Plat that has a  
3 looped road which allows for two ways of access or egress within that plat.

4 These facts, coupled with the significant mitigation of sprinklering these homes,  
5 led Mr. Anderson to his expert opinion that there would be no material detriment to public  
6 safety by granting the requested variance. That testimony is unrefuted.  
7

8 In his October 7, 2013 letter, Fire Chief Mark Peterson went on record  
9 withdrawing his August 15, 2013 letter and thereby confirming that a secondary access  
10 would not be required for this plat. There have been no changes in the plat design since  
11 the time of that October 7<sup>th</sup> letter that would provide Mr. Peterson with a basis to “reissue”  
12 his August 15<sup>th</sup> letter. In fact, Mr. Peterson has never reissued that letter. Instead, Mr.  
13 Peterson testified at the plat hearing as if his October 7, 2013 letter never existed and that  
14 he had never given his authorization on October 7<sup>th</sup> for the plat review to continue without  
15 providing a secondary access. Given Mr. Anderson’s unrefuted testimony and the lack of  
16 credible testimony by staff, the Hearing Examiner should, on reconsideration, grant the  
17 variance, as requested, and strike Condition 13.  
18

19  
20 **C. The Hearing Examiner Should Grant the Variance and Remove Condition 13**  
21 **to Remedy the City Staff’s Fraudulent or Negligent Misrepresentations that a**  
22 **Secondary Access would not be Required.**

23 The record in this case establishes that the City staff expressly represented to the  
24 Applicant that a secondary access would not be required. Those representations induced  
25 the Applicant to process this preliminary plat through the preliminary plat hearing.

1 The first representations on this issue occurred during the second pre-application  
2 conference. Mr. Corey Thomas, on behalf of the Fire Department, prepared a detailed  
3 written memo dated November 13, 2012 confirming that a temporary cul-de-sac would be  
4 acceptable to the Fire Department. He wrote:

5 “Street system shall be designed to be extended to adjoining  
6 underdeveloped properties for future extension. It was previously decided  
7 to require a 32-foot wide street if the street grid could not be extended. If  
8 this future extension can be achieved, the required 32-foot paved street  
9 may be reduced to 28-feet of pavement. A proposed temporary cul-de-sac  
would be acceptable if it meets all required dimensions and construction  
requirements.”

10 Exhibit 35, Att. B. (*Emphasis added*)

11 Prior to formally submitting the preliminary plat application, the Applicant sought  
12 confirmation of the Fire Department’s position that a temporary cul-de-sac would be  
13 acceptable. For the second time, the Fire Department expressly represented in a January  
14 23, 2013 email to the Applicant that a secondary access would not be required:

15 “The road section can be 28-feet if you provide the stub road only for  
16 future connection, the actual connection does not have to be achieved at  
17 this time. A temporary 90-foot diameter cul-de-sac is acceptable also. . . .  
18 All homes require fire sprinkler systems . . . . The only way to eliminate  
19 the fire sprinklers is to complete the road connection to 102<sup>nd</sup> right away  
[sic].”

20 Ex. 35, Att. C. (*Emphasis added*) The City’s senior planner, Vanessa Dolbee crystalized  
21 the City’s position that a cul-de-sac would be authorized:

22 “The City is asking that you provide stub to the property to the east but are  
23 not asking you to make the improvements to provide secondary access as  
24 part of the proposed development. However, without the secondary access  
a cul-de-sac would be required for fire turn around . . . .”

25 Id. (*Emphasis added*)

REQUEST FOR RECONSIDERATION - 7

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1 After submitting the application, and after receiving the August 15, 2013 letter  
2 from Fire Chief Peterson, which indicated that a secondary access would be required,  
3 there were detailed discussions with the City. These discussions led to the Fire Chief's  
4 letter of October 7, 2013; a letter that withdrew his August 15<sup>th</sup> letter. The Applicant  
5 accepted the Fire Chief at his written word that, so long as the final plat design did not  
6 change, a secondary access would not be required. The Applicant relied on that letter and  
7 continued a lengthy and expensive process to answer all staff issues to bring the  
8 preliminary plat to hearing, including paying for an additional geotechnical report.

10 Ms. Higgins testified at the hearing that the October 7<sup>th</sup> letter, informing the  
11 Applicant that a secondary access was not going to be required, was solicited by Ms.  
12 Higgins in order to induce the Applicant to continue processing the preliminary plat  
13 application. Fire Chief Peterson's testimony at the hearing indicates that he had no  
14 intention of allowing the preliminary plat to proceed without requiring a secondary access.  
15 Tragically, this was never disclosed to the Applicant until the staff report was issued in  
16 September 2014 proposing Condition 13 to require a secondary access.

18 The Hearing Examiner should be deeply troubled by the actions of City staff in  
19 this matter and by Ms. Higgins' testimony about her soliciting Fire Chief Peterson's  
20 October 7<sup>th</sup> letter to induce the Applicant to support a secondary geotechnical study. The  
21 behavior of Ms. Higgins and the prior representations of City staff that no secondary  
22 access would be required may ultimately support a damages claim against the City by the  
23 Applicant for fraudulent or negligent misrepresentation. By confirming that the Fire Chief  
24  
25

1 was withdrawing his prior letter, Ms. Higgins and Chief Peterson intended for the  
2 Applicant to believe that no secondary access would be required. Yet, apparently, this  
3 was all a hoax, and Chief Peterson never intended to allow this plat to be approved  
4 without a secondary access. This hoax only came to light weeks before the preliminary  
5 plat hearing after the Applicant spent tens of thousands of dollars to reach the preliminary  
6 plat hearing. The Applicant would have ended this application a year ago had the October  
7 15<sup>th</sup> letter not been issued.

9 The Examiner correctly notes in the Decision at 16 that these actions by staff strain  
10 the credibility of the City's testimony. While the Hearing Examiner may not have the  
11 authority to find fraudulent or negligent misrepresentation in this matter, the Hearing  
12 Examiner has the opportunity to avoid such future claims by the Applicant and to remedy  
13 the outrageous behavior of City staff by granting the requested variance and striking  
14 Condition 13.

16 **D. If the Variance is not Granted, The Hearing Examiner on Reconsideration**  
17 **should, in the Alternative, Revise Condition 13 to Provide Greater Flexibility**  
18 **for Secondary Access.**

19 In the event the Hearing Examiner does not agree to reconsider the standards  
20 applied to the requested variance, or applies the variance criteria but concludes that the  
21 variance should not be granted, the Applicant asks the Hearing Examiner to revise  
22 Condition 13 to allow the Applicant to provide secondary access in ways other than  
23 extending Smithers Ave. S. immediately to the east and to the specified intersection.

1 As shown in Exhibit 37, on sheet 1 of 1, there is one parcel of land (the "Easterly  
2 Parcel") immediately east of the easterly end of Smithers Ave. S as proposed to be built  
3 by the Applicant. Mr. Jamie Waltier testified that the owner of this Easterly Parcel will  
4 not sell his property or provide an easement for secondary access. Exhibit 37 shows on  
5 Sheet 1 of 1 another parcel of land (the "Southeasterly Parcel") located between Tract "B"  
6 and Tract "C" on the Proposed Vuecrest Estates plat and 102<sup>nd</sup> Ave. SE. Secondary  
7 access might be available through that parcel.  
8

9 Condition 13, as currently written, reads:

10 *Smithers Ave. S shall connect to S. 48<sup>th</sup> Pl and be extended to the east to*  
11 *provide a secondary access from Main Ave. S (102<sup>nd</sup> Ave. SE) at its*  
12 *intersection with SE 186<sup>th</sup> St.*

13 As written, it appears that this condition can only be satisfied by acquiring a public  
14 access easement through the Easterly Parcel and providing a fire access road to the  
15 specified intersection. Even if a secondary access could be established between the plat to  
16 a location on 102<sup>nd</sup> Ave. SE through the Southeasterly Parcel, or through some other  
17 parcel, it would appear that this would not meet the specific terms of Condition 13.

18 On reconsideration, if Condition 13 is not deleted based upon the granting of  
19 Applicant's variance request, Condition 13 should be revised to read as follows:

20 *Prior to recording the final plat, a secondary fire access shall be*  
21 *constructed providing a second means of access from Main Ave S (102<sup>nd</sup>*  
22 *Ave. SE) to the plat by fire trucks and emergency vehicles. The extent of*  
23 *improvements for this secondary fire truck access shall be determined by*  
24 *the City of Renton Fire Department in accordance with applicable fire*  
25 *code standards and shall be the minimum necessary to provide for safe*  
*and effective secondary fire access.*

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**III. CONCLUSION**

The Applicant was induced into proceeding with this plat application by repeated representations by City staff that no secondary access would be required. The Applicant has met its burden to obtain a variance from the secondary access standard. On remand, the Hearing Examiner should apply the variance criteria in RMC 4-9-205(B)(5), not the modification provisions in RMC 4-9-250(C), give proper weight to the Applicant's expert testimony that established compliance with these criteria, approve the variance and strike Condition 13.

Dated this 16<sup>th</sup> day of October, 2014

VAN NESS FELDMAN  
By:   
Brent Carson, WSBA #16240

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BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: Vuecrest Estates Preliminary Plat  
  
Preliminary Plat  
LUA13-000642

REQUEST FOR  
RECONSIDERATION

I, Jennifer Sower, declare as follows:

That I am over the age of 18 years, not a party to this action, and competent to be a witness herein;

That I, as a legal assistant in the office of Van Ness Feldman, LLP, caused true and correct copies of the following documents to be delivered as set forth below:

- 1. Applicant's Request for Reconsideration; and
- 2. This Certificate of Service

and that on October 16, 2014, I addressed said documents and deposited them for delivery as follows:

Mr. Jason Seth  
Acting Deputy Clerk  
City of Renton Clerk's Office  
1055 S. Grady Way  
Seventh Floor  
Renton, WA 98057

Via hand delivery

CERTIFICATE OF SERVICE - 1

**Van Ness  
Feldman** LLP  
719 Second Avenue Suite 1150  
Seattle, WA 98104  
(206) 623-9372

1 Mr. Phil A. Olbrechts  
2 City of Renton Hearing Examiner

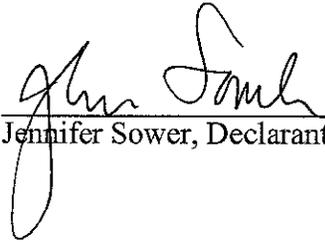
[x] Via email  
polbrechts@omwlaw.com

3  
4 Larry Warren  
5 Renton City Attorney  
6 Renton City Hall  
7 1055 S. Grady Way  
8 Renton, WA 98057

[x] Via email  
[x] Via U.S. mail  
lwarren@rentonwa.gov

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

11 EXECUTED at Seattle, Washington on this 16<sup>th</sup> day of October, 2014.

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14 Jennifer Sower, Declarant

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