

APPENDIX B

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MISCHARACTERIZATIONS

Appellant’s Closing Statement contains many misrepresentations of the parties’ actual positions. This chart represents an attempt to clarify and correct some of those more glaring inaccuracies for the record:

Strand’s Misrepresentation	Grove’s Actual Position
Appellant argues existing grade means two different things under two different administrative interpretations. Strand Closing at 5.	Mr. Grove never argued such an interpretation.
Appellant suggests that the photographs reveal the elevations of soil on the lot before construction of the existing structure. Strand Closing at 6.	Mr. Grove stated the record is incomplete itself, that the photos are an important aid, and that the City or Applicant would need to provide that actual metric, but based on a review of the plans, the photos and site visit, the basement in the northern section of the existing structure is approximately 228 feet. Grove Testimony, TR at 11. Ms. Strand confirmed she believed the photos did in fact depict the property. Strand Testimony, TR at 84.
“Appellant went on a tangent, arguing that a letter authored by James Harper dated August 14, 2023 “rejected” the Terrane survey.” Strand Closing at 9.	Mr. Grove never argued the survey was rejected wholesale. Mr. Grove argued that Harper's letter was very clearly aimed at determining whether any existing survey current or ancient can be properly used for formulaic determinations of any past original grade. Harper rejected the use of interpolation here. Grove Testimony, TR at 11, 27.
Appellant hoped to force Ms. Strand to seek approval to remove and replace large quantities of fill placed on her lot. Strand Closing at 3.	This is incorrect and an off-topic misrepresentation. Mr. Grove has only requested that Ms. Strand comply with the code and that similarly the rockeries/retaining walls comply as well. <i>See</i> Grove I.
“The application went through as many as seven iterations, to address corrections or additional requirements imposed by the City.” Strand Closing at 16.	In reality, there was one initial submission, two sets of changes, and a final submission (in addition to submissions for the Critical Area Review 2 which was a separate permit process.). The first complete submission (8/30/22) contained an admitted and significant error (<i>See</i> Almeter Testimony conceding erroneous proposal of 100% BEA) and failed to address safety issues around the existing fill slope.

	<p>The second (3/1/23) alteration shrunk the gross floor area but added an accessory dwelling unit. The third (6/7/23) added the shoring wall.</p> <p>Additional submissions were indeed made, consisting of the CAR2 initial and final submissions. Other than these, only minor changes to the plan set followed.</p> <p>Submitting a proposal with excessive, non-compliant features like a 100% BEA should always delay planning and force further iterations.</p>
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