



1 It is assumed, unless objected to and sustained by the Deputy Hearing Examiner for thus  
2 case, the Brooke Friedlander of Mirra Homes and Andy McAndrews of Terrane remain  
3 as parties to the appeal as they will be asked to testify without the need for a subpoena.  
4 The Appellants reserve the right to withdrawn one or more subpoenas if the Applicant or  
5 Department also intends on using any of these parties or entity representatives within  
6 their testimony. We ask that the Office of the Hearing Examiner request for each person  
7 that is called to establish in a timely manner before the hearing any schedule of fees  
8 associated with their participation and - where under the authority of the Deputy Hearing  
9 Examiner – request that fees be waived for City Staff associated with the properties of  
10 this appeal.  
11

12 The Appellants respectfully ask for the Office of Hearing Examiner to prepare several  
13 subpoenas relative to evidence in the case. In a few cases, the relative City staff may be  
14 subject to change pending the results of several Public Records requests to Seattle  
15 departments which was issued per RCW42.56 on April 30, 2019. As of June 26<sup>th</sup>, for  
16 example, the Seattle Fire Department request #C041447-043019 is still under review of  
17 the Fire Department.  
18

19 Henceforth, the Appellant's Representative is requesting the subpoenas to testify and, in  
20 some cases, deliver documents, for the following:  
21

- 22 1. Harold Scoggins, Fire Chief (or responsible Emergency Access and Supression  
23 Reviewer(s)), Seattle Fire Department, 220 3rd Avenue South, 2nd floor, Seattle,  
24 WA 98104, 206-386-1333, [sfd\\_fmo\\_compliance@seattle.gov](mailto:sfd_fmo_compliance@seattle.gov). Testify: Chief  
25 Scoggins shall be asked about the Fire Departments review of this project relative  
26 to the Short Plat criteria for Emergency Access. This is a reasonable request  
27  
28

1 because the Applicant has provided proof of a review checklist including 'Fire'  
2 being completed. Documents: Chief Scoggins shall also produce a timely digital  
3 copy of all documents that the Fire Department had in their possession at the time  
4 the review was completed in late 2018, or any supporting documents that the  
5 Departments may have shared subsequent to the Director rendering a decision on  
6 the Short Plat. This is reasonable as the decision requires the Director to check  
7 with all relative parties, including that relating to emergency access.  
8

9  
10 2. Nathan Torgelson, Director, Seattle Department of Construction and Inspections,  
11 Seattle Municipal Tower at 700 Fifth Ave, 19<sup>th</sup> Floor, Seattle WA, (206) 233-  
12 7883, [nathan.torgelson@seattle.gov](mailto:nathan.torgelson@seattle.gov) , Testify: Director Torgelson will be asked to  
13 clarify his July 2018 written responses to Seattle resident Henry McGuire about  
14 the Department policy of issuing Short Plats for developments seeking to avoid  
15 conflicts with SMC 23.84A.032(R). This is a reasonable request because the first  
16 criteria for the Director's short plat decision is conformance to the applicable  
17 Land Use Code provisions (i.e., Title 23). Documents: To validate the above  
18 testimony, Director Torgelson shall also produce timely digital copies of all  
19 interpretations previously-issued (since 2006) by the Department regarding  
20 departures, exceptions or variances from the Short Plat Subdivision requirements  
21 of Chapters 23.09, 23.24, 23.53, and 23.84. A new interpretation is not requested  
22 with this subpoena.  
23

24  
25 3. Hiro Ikeda, P.E., Structural Plans Engineer, Seattle Department of Construction  
26 and Inspections, P: 206.727.8513| [hiro.ikeda@seattle](mailto:hiro.ikeda@seattle). Testify: Hiro Ikeda Mr.  
27 Pawling shall be asked about the January 2019 reviews that led to the conditional  
28

1 approval of the Short Plat and the frequency of such requests without a completed  
2 SEPA approval. This is a reasonable request because the appeal questions the  
3 decision to approve the Short Plat based on incomplete assumptions of the SEPA  
4 review. Documents: Hiro Ikeda shall also produce a declaration about the above  
5 and, with the assistance of the Department, timely digital copies of previously-  
6 issued recommendations by the Department (since 2006) regarding engineering  
7 conditions applied to Short Plat Subdivisions.  
8

9  
10 4. Katie Luedeman (or Architect in charge), [Julian Weber] JW Architects LTD,  
11 1257 S King St, Seattle, WA 98144, (206) 953-1305. Testify: Ms. Luedeman  
12 shall be asked relative questions about the design of the project to demonstrate  
13 compliance with multiple criteria of the Short Plat including Title 23 code,  
14 existing tree and easement locations relative to the building design, and the  
15 pending SEPA checklist. This is a reasonable request because the Director has  
16 based criteria of the Short Plat on documents prepared with the assistance of JW  
17 Architects. Documents: Ms. Luedeman shall also produce a timely digital copy of  
18 all alternative layouts considered for the maximum retention of existing trees and  
19 compliance with vehicular and pedestrian access requirements.  
20

21  
22 5. H. Michael Xue, P.E. (or, if qualified, John A. Manke), PanGEO, 3213 Eastlake  
23 Avenue East, Ste B, Seattle, Washington 98102. Testify: Mr. Manke or Mr. Xue  
24 shall be asked to explain the geotechnical reports submitted for this functionally-  
25 related development of three adjacent lot. This is a reasonable request because of  
26 the Short Plat conditional approval that limits the development of the uphill  
27 portion of the subdivisions on the stabilization work of the downhill portion of the  
28

proposed subdivisions. Documents: Mr. Manke or Mr. Xue need not produce any additional documents.

The Hearing Examiner may notice that this subpoena request is similar to the functionally-related addresses of 3410 and 3416 23<sup>rd</sup> Ave West and their corresponding case appeals (Figure 1). MUP-19-020 includes the applications for addresses 3410 (with SDCI's conditional approval of #6690478-CN) and 3412 (with #6689288-CN). MUP-19-019 includes the applications for addresses 3416 (with #6689291-CN) and 3418 (with #6684561-CN). This Hearing Examiner case MUP-19-021 includes the applications for addresses 3420 (with #6688712-CN) and 3422 23<sup>rd</sup> Avenue W (with #6689292-CN).

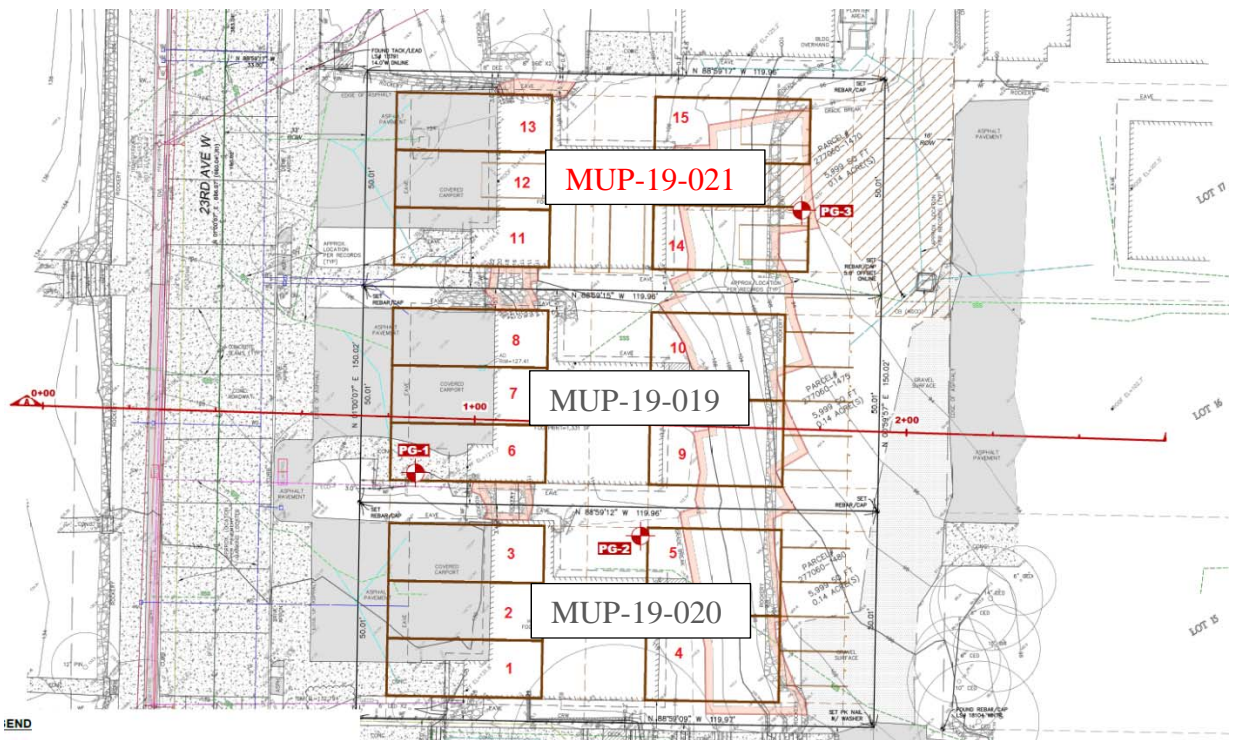


Figure 1- Hearing Examiner Case files MUP-19-019 to -021 for the functionally-related development of 6 townhouses and 9 row houses at 3410 to 3422 23<sup>rd</sup> Ave West, Seattle all owned by Mirra Homes with the same surveying, design, engineering and consulting team. (Source of base drawing is the geotechnical report).

1 Dated this 27<sup>th</sup> day of June 2019.

2 Respectfully submitted,

3  
4 

5 David Moehring,

6 Neighbors to Mirra Homes Developments,  
7 3444B 23rd Avenue West  
8 Seattle, Washington 98199

9  
10  
11 **Certificate of Service**

12  
13 I, David Moehring, certify under penalty of perjury under the laws of the State of Washington that  
14 on this date I sent true and correct copies, via e-mail, of the attached the Neighbors to Mirra Homes  
15 Developments **Appellant's Request for Subpoenas** to the person listed below, in the matter of  
16 the **Short Plat Subdivision decisions issued for 3422 23<sup>rd</sup> Ave West**, Hearing Examiner File  
17 MUP-19-021.

18 **Office of the Hearing Examiner:**

19 City of Seattle  
20 Seattle, WA 98124  
21 [hearing.examiner@Seattle.gov](mailto:hearing.examiner@Seattle.gov)

22 Dated June 27, 2019

23 

24 David Moehring  
25 Appellant Representative, Neighbor to Mirra Homes Developments  
26 3444 23<sup>rd</sup> Ave West  
27 Seattle WA 98199  
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