

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeals of:

NEIGHBORS TO MIRRA HOMES
DEVELOPMENTS,

from decisions issued by the Director, Seattle
Department of Construction and Inspections.

Hearing Examiner Files:

MUP-19-019 (P), MUP 19-020 (P) &
MUP 19-021 (P)

Department References:

3032834-LU, 3032833-LU &
3032857-LU

APPLICANT'S AND OWNER'S
PRELIMINARY WITNESS AND
EXHIBIT LIST

COMES NOW the applicants, Brooke Friedlander and Andy McAndrews, and the property owner, Mirra 111 LLC, who preliminarily intend to call the following witnesses and introduce the following exhibits, but reserve the right to not call one or more of these witnesses and not introduce one or more of these exhibits as the applicants and owner determine to be appropriate at the hearing.

I. WITNESSES

1. Colt Boehme. Mr. Boehme is the principal of Mirra 111 LLC, the owner of the property located at 3410, 3416 and 3422 23rd Avenue West, Seattle, WA. He is expected to testify regarding the facts of this case and the proposed subdivision of the properties. Mr. Boehme is expected to testify for approximately 30 minutes.

APPLICANT'S AND OWNER'S PRELIMINARY
WITNESS AND EXHIBIT LIST - 1

HELSELL
FETTERMAN
Helsell Fetterman LLP
1001 Fourth Avenue, Suite 4200
Seattle, WA 98154-1154
206.292.1144 WWW.HELSELL.COM

1 2. Brooke Friedlander. Ms. Friedlander is the applicant for permit number
2 3032834-LU. She received a Masters from Architecture from the Rhode Island School of
3 Design and has worked as a designer and entitlements manager since 2011. She is expected
4 to testify regarding the facts of this case and the proposed subdivision of the properties. Ms.
5 Friedlander is expected to testify for approximately 30 minutes. Ms. Friedlander will be
6 testifying as a fact and expert witness.

7 3. Andy McAndrews. Mr. McAndrews is the applicant for permit numbers
8 3032833-LU and 3032857-LU. He received a degree in Housing and Urban Development,
9 Planning, Development & Construction from Arizona State University and has worked as a
10 land use planner since 2005. He is expected to testify regarding the facts of this case and the
11 proposed subdivision of the properties. Mr. McAndrews is expected to testify for
12 approximately 30 minutes. Mr. McAndrews will be testifying as a fact and expert witness.

13 4. Julian Weber. Mr. Weber is the architect for the proposed development of the
14 properties. He is a licensed architect who received his Masters of Architecture from
15 Montana State University – Bozeman. He is expected to testify regarding the facts of this
16 case and the proposed development of the property. Mr. Weber is expected to testify for 30
17 minutes. Mr. Weber will be testifying as a fact and expert witness.

18 5. Tony Shoffner. Mr. Shoffner the principal of Shoffner Consulting and is an
19 ISA Certified Arborist #PN-0909A. He is expected to testify regarding the facts of this case,
20 the arborist report he drafted and trees located on and near the properties. Mr. Shoffner is
21 expected to testify for approximately 30 minutes. Mr. Shoffner will be testifying as a fact
22 and expert witness.

23 6. Doug Smith. Mr. Smith is an ISA Certified Arborist PN-6116-A/TRAQ and
24 tree consultant at Seattle Tree Consulting. He is expected to testify regarding the facts of this
25 case, the arborist report he drafted and trees located on and near the properties. Mr. Smith is

1 expected to testify for approximately 30 minutes. Mr. Smith will be testifying as a fact and
2 expert witness.

3 7. H. Michael Xue, P.E. Mr. Xue is a Senior Geotechnical Engineer with
4 PanGeo Incorporated. He is a licensed engineer who received a Master's degree in
5 Geotechnical and Geoenvironmental Engineering from SUNY at Buffalo. He is expected to
6 testify regarding the facts of this case, the Geotechnical Engineering Report dated
7 September 28, 2018, the ECA exemption approved by SDCI and other issues concerning the
8 proposed development. Mr. Xue is expected to testify for approximately 30 minutes. Mr.
9 Xue will be testifying as a fact and expert witness.

10 8. Devin Peterson. Ms. Peterson is a Landscape Architect with Root of Design,
11 LLC. She received her B.S. in Landscape Architecture from the University of Washington
12 and has worked on hundreds of similar developments in the City of Seattle. She is expected
13 to testify regarding the current landscaping and vegetation at the property as well as the
14 proposed landscaping and vegetation plan for the proposed development. Ms. Peterson is
15 expected to testify for approximately 30 minutes. Ms. Peterson will be testifying as a fact
16 and expert witness.

17 9. Marc Malsam. Mr. Malsam is a structural engineer with Malsam Tsang. He
18 is a licensed engineer who received his BSCE and MSCE in Civil Engineering from the
19 University of Washington. He is expected to testify regarding the facts of this case and
20 structural engineering issues related to the ECA exemption and the proposed development.
21 Mr. Malsam is expected to testify for approximately 30 minutes. Mr. Malsam will be
22 testifying as a fact and expert witness.

23 10. Tim Gabelein, PE. Mr. Gabelein is a civil engineer and principal of Davido
24 Consulting Group. He is a licensed engineer who received his B.S. in Civil Engineering
25 from the University of Washington. He is expected to testify regarding the facts of this case,

1 the street improvement plan, and issues related to alley improvements, easements and
2 vehicle turnaround. Mr. Gabelein is expected to testify for approximately 30 minutes.

3 11. David Landry. Mr. Landry is a Land Use Planner at SDCI and he drafted the
4 Decisions that are being appealed. He is expected to testify regarding the facts of this case,
5 the proposed subdivision and the Decisions he drafted. Mr. Landry is expected to testify for
6 approximately 30 minutes.

7 12. Scott Pawling. Mr. Pawling is the ECA Reviewer who issued the Approved
8 Relief from Prohibition on Steep Slope Development under permit numbers 6694810-EX,
9 6694811-EX, 6694807-EX, 6694808-EX, 6694814-EX and 6694812-EX. He is expected to
10 testify regarding the ECA exemption and other geotechnical issues related to the proposed
11 development. Mr. Pawling is expected to testify for approximately 30 minutes.

12 II. EXHIBITS

- 13 1. Director's Decision for project number 3032833-LU.
- 14 2. Director's Decision for project number 3032834-LU.
- 15 3. Director's Decision for project number 3032857-LU.
- 16 4. Consolidated appeal of Director's Decision for project number 3032833-LU
17 and 3032834-LU.
- 18 5. Appeal of Director's Decision for project number 3032857-LU.
- 19 6. Approved short subdivision for project number 3032833-LU.
- 20 7. Approved short subdivision for project number 3032834-LU.
- 21 8. Approved short subdivision for project number 3032857-LU.
- 22 9. Arborist report dated August 6, 2018.
- 23 10. Arborist report dated April 30, 2019.
- 24 11. Geotechnical report dated September 28, 2018.

1 12. Approved Relief from Prohibition on Steep Slope Development for project
2 number 6694810-EX.

3 13. Approved Relief from Prohibition on Steep Slope Development for project
4 number 6694811-EX.

5 14. Approved Relief from Prohibition on Steep Slope Development for project
6 number 6694807-EX.

7 15. Approved Relief from Prohibition on Steep Slope Development for project
8 number 6694808-EX.

9 16. Approved Relief from Prohibition on Steep Slope Development for project
10 number 6694814-EX.

11 17. Approved Relief from Prohibition on Steep Slope Development for project
12 number 6694812-EX.

13 18. Each and every document listed by appellant in its list of exhibits.

14 19. Each and every document listed by SDCI in its list of exhibits.

15 20. All documents publicly available at
16 <https://cosaccela.seattle.gov/portal/welcome.aspx> for project numbers 3032834-LU,
17 3032833-LU, 3032857-LU, 6694810-EX, 6694811-EX, 6694807-EX, 6694808-EX,
18 6694814-EX, 6694812-EX, and the associated construction permits.

19 **III. RESERVATION OF RIGHTS**

20 By identifying a particular witness or exhibit, Mirra 111 LLC does not concede and,
21 specifically reserves the right to object, that the same or similar witnesses and exhibits are
22 not relevant to any remaining appeal issues and should not be considered by the Hearing
23 Examiner or admitted into evidence. Mirra 111 LLC also reserves the right to present
24 additional witnesses and exhibits and to elicit additional testimony from the witnesses listed
25

1 herein to rebut, impeach and respond to testimony and exhibits presented by other parties in
2 this matter.

3 Mirra 111 LLC further reserves the right to introduce any exhibit listed as an exhibit
4 by another party in this matter, to introduce illustrative exhibits and to utilize copies of Code
5 and other provisions of law. Withdrawal of a listed witness or exhibit listed by another party
6 will not preclude Mirra 111 LLC from calling that witness or utilizing that exhibit.

7 Respectfully submitted this 15th day of July, 2019.

8
9 HELSELL FETTERMAN LLP

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11 By: s/ Brandon S. Gribben

12 Brandon S. Gribben, WSBA No. 47638

13 Samuel M. Jacobs, WSBA No. 8138

14 Attorneys for Applicants Brooke Friedlander and Andy
15 McAndrews and Property Owner Mirra 111 LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 15th, 2019, the foregoing document was sent for delivery on the following party in the manner indicated:

Appellant:

Neighbors to Mirra Homes Developments
3444B 23rd Ave W
Seattle, WA 98199
Urban.Magnolia@pacificwest.com

- ☐ Via first class U. S. Mail
☐ Via Legal Messenger
☐ Via Facsimile
☒ Via Email

Appellant Contact:

David Moehring
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dmoehring@consultant.com

- ☒ Via first class U. S. Mail
☐ Via Legal Messenger
☐ Via Facsimile
☒ Via Email

Department Contact:

David Landry
SDCI
PO Box 34019
Seattle, WA 98124
David.landry@seattle.gov

- ☒ Via first class U. S. Mail
☐ Via Legal Messenger
☐ Via Facsimile
☒ Via Email

DATED this 15th day of July, 2019

s/Gennifer Holland

Gennifer Holland, Legal Assistant