1	Certificate of Service
2	
3	I, David Moehring, certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies, via e-mail, of the attached the Neighbors to Mirra Homes
4	Developments Appellant's Subpoenas for Appearance Affidavits of Service [to four witnesses] to every person listed below, in the matter of the Short Plat Subdivision decisions
5	issued for 3410 to 3424 23rd Ave West, Hearing Examiner File No.s MUP-19-019 and MUP-19-
6	020 and MUP-19-021.
7	Department: David Landry
8	Seattle Department of Construction & Inspections Phone: (206) 684-5318
9	Email: david.landry@seattle.gov
10	Owner Applicant:
11	Brooke Friedlander
12	Mirra Homes 11624 SE 5th St Suite 210
13	Bellevue, WA 98005
	Email: <u>brooke.friedlander@mirrahomes.com</u>
14	Applicant Legal Counsel:
15	Brandon Gribben
16	Helsell Fetterman LLP
17	1001 Fourth Avenue, Ste 4200 Seattle, WA 98154
	Phone: (206) 292-1144
18	Email: bgribben@helsell.com
19	Office of the Hearing Examiner:
20	City of Seattle
21	Seattle, WA 98124 hearing.examiner@Seattle.gov
22	
23	Dated August 3, 2019
24	1 /11/11/11/1920
25	Cally rouse
26	David Moehring
27	Appellants' representative, Neighbors to Mirra Homes Developments 3444 23rd Ave West
28	Seattle WA 98199

1	Barbara Dykes Ehrlichman, Deputy Hearing Examiner
2	
3	BEFORE THE HEARING EXAMINER
4	CITY OF SEATTLE
5	
6	In the Matter of the Appeals by Hearing Examiner Files:
7	MUP-19-019, MUP-19-020, MUP-19-021
8	Neighbors to Mirra Homes Developments )
9	from Short Plat Decisions Issued by the ) the Director of the Seattle Department of )  SUBPEONA for AUGUST 12 APPEARANCE AFFIDAVIT OF SERVICE
10	Construction and Inspections )
11	,
12	Neighbors to Mirra Homes Developments, Appellant
13	vs. Mirra Homes
	I David Maching the representative to the Annallant Neighborg to Mirro Horses Davidenments
14	I, David Moehring the representative to the Appellant, Neighbors to Mirra Homes Developments, declare as follows:
15	1. On July 24 <sup>th</sup> , I have served the attached subpoena from the Seattle Office of the Hearing
16	Examiner to Katie Luedeman [to be represented by Principal Julian Weber] at the JW Architects LTD address of 1257 S King St, Seattle, Washington.
17	2. Ms. Luedeman has been responsive and acknowledged the receipt of the subpoena.
18	3. Ms. Luedeman understands that the Appellant has asked for them to attend only part of one of the days listed on the subpoena.
19	4. Ms. Luedeman was able to produce a document for the Subject Property at 3410 to 3424 23 <sup>rd</sup> Avenue West in Seattle.
20	5. Ms. Luedeman has arranged for Ms. Julian Webber to be tentatively scheduled to testify on
21	Monday, August 12 <sup>th</sup> sometime between 9:30am and 11am. Ms. Weber is expected to be in attendance and should call to confirm the time with David Moehring on that day before
22	8:30am at mobile 312- 965-0634. 6. This reminder document has been mailed the morning of August 5, 2019.
23	7. I certify that I am over the age of 21. I certify that under the penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.
24	
25	Respectfully prepared this 3 <sup>rd</sup> day of August 2019,
26	Chun Moet
27	David Moehring,
28	Neighbors to Mirra Homes Developments
	3444B 23rd Avenue West, Seattle, Washington 98199

In the Matter of the Appeals of

Hearing Examiner Files:

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

NEIGHBORS TO MIRRA HOMES DEVELOPMENTS

Department References:

3032834-LU 3032833-LU 3032857-LU

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

**SUBPOENA** 

TO: KATIE LUEDEMAN
JW ARCHITECTS LTD
1257 S KING ST
SEATTLE, WA 98144

In the name of the State of Washington, City of Seattle, pursuant to Seattle Municipal Code Section 3.02.120, you are **REQUIRED TO APPEAR AND GIVE EVIDENCE** in the above-entitled case on **AUGUST 12, 13, 14, 15, AND 16, 2019, AT 9:00 AM,** at the Office of Hearing Examiner, Seattle Municipal Tower, 700 5<sup>th</sup> Avenue, Suite 4000, and to remain in attendance until excused, and to appear at a deposition scheduled for a date and time mutually convenient to the parties.

Additionally, in the name of the State of Washington, City of Seattle, pursuant to Seattle Municipal Code Section 3.02.120, IT IS ORDERED that you make available to <u>David Moehring</u> the following documents: "digital copy of all alternative layouts considered for the maximum retention of existing trees and compliance with vehicular and pedestrian access requirements," no later than 7 days from the date of service of this subpoena.

Entered this 15th day of July, 2019.

Barbara Dykes Ehrlichman, Deputy Hearing Examiner

Office of Hearing Examiner

P.O. Box 94729

Seattle, Washington 98124-4729

1	Barbara Dykes Ehrlichman, Deputy Hearing Examiner
2	
3	BEFORE THE HEARING EXAMINER
4	CITY OF SEATTLE
5	
6	In the Matter of the Appeals by ) Hearing Examiner Files:
7	) MUP-19-019, MUP-19-020, MUP-19-021
8	Neighbors to Mirra Homes Developments ) from Short Plat Decisions Issued by the ) SUBPEONA for AUGUST 13 APPEARANCE
9	the Director of the Seattle Department of ) AFFIDAVIT OF SERVICE
10	Construction and Inspections )
11	
12	Neighbors to Mirra Homes Developments, Appellant vs.
13	Mirra Homes
14	I, David Moehring the representative to the Appellant, Neighbors to Mirra Homes Developments,
15	declare as follows:
16	1. On July 16 <sup>th</sup> , I have served the attached subpoena from the Seattle Office of the Hearing Examiner to the responsible staff (Evan Ward) to Seattle Fire Chief Harold Scoggins at
17	Seattle Fire Department, 220 3rd Avenue South, 2nd floor, Seattle, Washington.  2. Evan Ward has been responsive and acknowledged the subpoena for Chief Scoggins.
18	3. Mr. Ward understands that Chief Scoggins (or a knowledgeable representative that Chief
19	Scoggins will appoint in his stead) will be asked to attend part of one of the listed days.  4. Mr. Ward was able to produce documents for the Subject Property at 3410 to 3424 23 <sup>rd</sup>
20	Avenue West in Seattle, but was not in procession of all documents requested by subpoena.  5. Chief Scoggins or a knowledgeable representative in his stead is tentatively scheduled to
21	testify on Tuesday, August 13 <sup>th</sup> between 9am and 11am. The Seattle Fire Department representative is expected to be in attendance and should call to confirm the time with David
22	Moehring the day before by 2:30pm at mobile 312-965-0634.
23	<ul> <li>6. This reminder document has been mailed the morning of August 5, 2019.</li> <li>7. I certify that I am over the age of 21. I certify that under the penalty of perjury under the laws</li> </ul>
24	of the State of Washington that the forgoing is true and correct.
25	Respectfully prepared this 3 <sup>rd</sup> day of August 2019,
26	Chun Moes
27	
28	David Moehring, Neighbors to Mirra Homes Developments
- 1	3444B 23rd Avenue West, Seattle, Washington 98199

In the Matter of the Appeals of

Hearing Examiner Files:

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

**NEIGHBORS TO MIRRA HOMES** DEVELOPMENTS

Department References:

3032834-LU 3032833-LU 3032857-LU

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

**SUBPOENA** 

TO: HAROLD SCOGGINS

> SEATTLE FIRE DEPARTMENT 220 3RD AVE S, FLOOR 2 SEATTLE, WA 98104

In the name of the State of Washington, City of Seattle, pursuant to Seattle Municipal Code Section 3.02.120, you are **REQUIRED TO APPEAR AND GIVE EVIDENCE** in the above-entitled case on AUGUST 12, 13, 14, 15, AND 16, 2019, AT 9:00 AM, at the Office of Hearing Examiner, Seattle Municipal Tower, 700 5th Avenue, Suite 4000, and to remain in attendance until excused, and to appear at a deposition scheduled for a date and time mutually convenient to the parties.

Additionally, in the name of the State of Washington, City of Seattle, pursuant to Seattle Municipal Code Section 3.02.120, IT IS ORDERED that you make available to David Moehring the following documents: "digital copy of all documents that the Fire Department had in their possession at the time the review was completed in late 2018, or any supporting documents that the Department may have shared subsequent to the Director rendering a decision on the Short Plat," no later than 7 days from the date of service of this subpoena.

Entered this 15th day of July, 2019-

Barbara Dyko Ehrlichman

Barbara Dykes Ehrlichman, Deputy Hearing Examiner

Office of Hearing Examiner

P.O. Box 94729

Seattle, Washington 98124-4729

1	Barbara Dykes Ehrlichman, Deputy Hearing Examiner
2	
3	BEFORE THE HEARING EXAMINER
4	CITY OF SEATTLE
5	
6	In the Matter of the Appeals by  ) Hearing Examiner Files:
7	) MUP-19-019, MUP-19-020, MUP-19-021 )
8	Neighbors to Mirra Homes Developments ) from Short Plat Decisions Issued by the ) SUBPEONA for AUGUST 13 APPEARANCE
9	the Director of the Seattle Department of Construction and Inspections ) AFFIDAVIT OF SERVICE
10	
11	Neighbors to Mirra Homes Developments, Appellant
12	vs. Mirra Homes
13	Will a Homes
14	I, David Moehring the representative to the Appellant, Neighbors to Mirra Homes Developments, declare as follows:
15	
16	1. On July 24 <sup>th</sup> , I have served the attached subpoena from the Seattle Office of the Hearing Examiner to the colleagues of H. Michael Xue at PanGEO location of 3213 Eastlake Avenue East, Seattle.
17	2. Mr. Xue has been responsive to the delivery of the subpoena.
18	3. Mr. Xue will be asked to attend only part of one of the days listed on the subpoena.
19	4. Mr. Xue was not asked to produce any new documents for the Subject Property at 3410 to 3424 23 <sup>rd</sup> Avenue West in Seattle.
20	5. Mr. Xue is tentatively scheduled to testify on Tuesday, August 13 <sup>th</sup> sometime between 9:30am and 11am. He is expected to be in attendance and should call to confirm the time with
21	David Moehring the preceding day before 2:30pm at mobile 312-965-0634.  6. This reminder document has been mailed the morning of August 5, 2019.
22	7. I certify that I am over the age of 21. I certify that under the penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.
23	Respectfully prepared this 3 <sup>rd</sup> day of August 2019,
24	
25	Chun Maco
26	David Moehring,
27	Neighbors to Mirra Homes Developments 3444B 23rd Avenue West, Seattle, Washington 98199
28	

In the Matter of the Appeals of

Hearing Examiner Files:

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

NEIGHBORS TO MIRRA HOMES DEVELOPMENTS

Department References:

3032834-LU 3032833-LU 3032857-LU

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

**SUBPOENA** 

TO: H. MICHAEL XUE

**PANGEO** 

3213 EASTLAKE AVE E, STE B

**SEATTLE, WA 98102** 

In the name of the State of Washington, City of Seattle, pursuant to Seattle Municipal Code Section 3.02.120, you are **REQUIRED TO APPEAR AND GIVE EVIDENCE** in the above-entitled case on **AUGUST 12, 13, 14, 15, AND 16, 2019, AT 9:00 AM,** at the Office of Hearing Examiner, Seattle Municipal Tower, 700 5<sup>th</sup> Avenue, Suite 4000, and to remain in attendance until excused, and to appear at a deposition scheduled for a date and time mutually convenient to the parties.

Entered this 15th day of July, 2019.

Barbara Dykes Ehrlichman, Deputy Hearing Examiner

Office of Hearing Examiner

P.O. Box 94729

Seattle, Washington 98124-4729

1	Barbara Dykes Ehrlichman, Deputy Hearing Examiner
2	
3	BEFORE THE HEARING EXAMINER
4	CITY OF SEATTLE
5	
6	In the Matter of the Appeals by ) Hearing Examiner Files:
7	) MUP-19-019, MUP-19-020, MUP-19-021
8	Neighbors to Mirra Homes Developments )
9	from Short Plat Decisions Issued by the ) the Director of the Seattle Department of )  SUBPEONA for AUGUST 13 APPEARANCE AFFIDAVIT OF SERVICE
10	Construction and Inspections )
11	
12	Neighbors to Mirra Homes Developments, Appellant
13	vs. Mirra Homes
	I, David Moehring the representative to the Appellant, Neighbors to Mirra Homes Developments,
14	declare as follows:
15 16	1. On July 17 <sup>th</sup> , I have served the attached subpoena from the Seattle Office of the Hearing Examiner to Tony Shoffner at his revised business address of 6741 NE 182 <sup>nd</sup> Street, Unit
17	C401, in Kenmore, Washington.  2. Mr. Shoffner has been responsive and acknowledged the receipt of the subpoena.
18	3. Mr. Schoffner understands he will be asked to attend only part of one of the days listed on the subpoena.
19	4. Mr. Schoffner was able to produce some documents for the Subject Property at 3410 to 3424 23 <sup>rd</sup> Avenue West in Seattle, but was not in procession of the documents requested with the
20	subpoena.
21	5. Mr. Schoffner is tentatively scheduled to testify on Tuesday, August 13 <sup>th</sup> sometime between 2pm and 5pm. He is expected to be in attendance and should call to confirm the time with
22	David Moehring on that day before 8:45am at mobile 312-965-0634.  6. This reminder document has been mailed the morning of August 5, 2019.
23	7. I certify that I am over the age of 21. I certify that under the penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.
24	
25	Respectfully prepared this 3 <sup>rd</sup> day of August 2019,
26	Chun Mac
27	David Moehring,
28	Neighbors to Mirra Homes Developments  3444B 23rd Avenue West Seattle Washington 98199

In the Matter of the Appeals of

Hearing Examiner Files: MUP-19-019 (P), MUP-19-020 (P), & MUP-19-021 (P)

NEIGHBORS TO MIRRA HOMES DEVELOPMENTS

> Department References: 3032834-LU 3032833-LU 3032857-LU

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

SUBPOENA

TO: TONY SHOPPMER
21529 4TH AVE WACIL 6741 ME 1824 FF, UNIT CASI
BOTHELL, WA 9802L Kender CVA 78028

In the name of the State of Washington, City of Scaule, pursuant to Scaule Municipal Code Section 3.02.120, you are REQUIRED TO AFFEAR AND GIVE EVIDENCE in the above-emitted case on August 12, 13, 14, 15, AND 16, 2019, AT 9:00 AM, at the Office of Hearing Examiner, Scaule Municipal Tower, 700 5th Avenue, Suite 40/Al, and to tensin in attendance until excussed, and to appear at a deposition scheduled for a date and time mutually convenient to the parties.

Additionally, in the name of the State of Washington, City of Seattle, pursuant to Seattle Municipal Code Section 3,02.120, IT is GROERED that you make available to David Mochring the following documents: "a digital copy of all photographs and field notes used for the creation of the arborist report, as well as a copy of the signed appropriet of services between Mr. Shoffner and the entity engaging his services," no later than 7 days from the date of service of this subpoents.

Emered this 15th day of July, 2019.

Barbara Dykes Ehrlichman, Deputy Hearing Examiner

Office of Hearing Examiner

P.O. Box 94729

Seattle, Washington 98124-4729

1	Barbara Dykes Ehrlichman, Deputy Hearing Examiner
2	
3	BEFORE THE HEARING EXAMINER CITY OF SEATTLE
4	To the Method Cale Annual to
5	In the Matter of the Appeals by  Hearing Examiner Files:  MUP-19-019, MUP-19-021
6 7	Neighbors to Mirra Homes Developments ) from Short Plat Decisions Issued by the ) SUBPEONA for DOCUMENTS ONLY
8 9	the Director of the Seattle Department of Construction and Inspections )
10	
11	Neighbors to Mirra Homes Developments, Appellant vs.
12	Mirra Homes
13	I, David Moehring the representative to the Appellant, Neighbors to Mirra Homes Developments, declare as follows:
14	1. On July 16th, I have served the attached subpoenas from the Seattle Office of the Hearing
15 16	Examiner to both Nathan Torgelson, Director and Hiro Ikeda, P.E., Structural Plans Engineer of the Seattle Department of Construction Inspections located within the Seattle Municipal
17	Tower at 700 Fifth Ave, 19th Floor, Seattle, Washington.  2. Mr. David Landry has been responsive and acknowledged for Director Torgelson to the delivery of the subpoena.
18	<ul> <li>3. Mr. Ikeda has been responsive to and acknowledged the delivery of his subpoena.</li> <li>4. Mr. Ikeda was not able to produce the documents requested in the subpoena for the Subject</li> </ul>
19	Property at 3410 to 3424 23 <sup>rd</sup> Avenue West in Seattle. Instead, a response was provided by another SDCI staff not in the Engineering unit of SDCI.
20	5. Mr. David Landry has produced timely documents on behalf of Director Torgelson in response to the request in the subpoena.
21	6. Following the Hearing Examiner Order of July 15th, Mr. David Landry will be asked to testify
22	at two days. The first testimony will be on behalf of Mr. Ikeda and the SDCI engineers on August 12 <sup>th</sup> sometime in the afternoon. The second testimony will be on August 13 <sup>th</sup> on
23	behalf of Director Torgelson sometime in the afternoon.  7. I certify that I am over the age of 21. I certify that under the penalty of perjury under the laws
24	of the State of Washington that the forgoing is true and correct.
25	Respectfully prepared this 3 <sup>rd</sup> day of August 2019,
26	Dun Mass
27	David Moehring,
28	Neighbors to Mirra Homes Developments 3444B 23rd Avenue West, Seattle, Washington 98199

In the Matter of the Appeals of

Hearing Examiner Files:

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

NEIGHBORS TO MIRRA HOMES DEVELOPMENTS

Department References:

3032834-LU 3032833-LU 3032857-LU

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

SUBPOENA

TO: HIRO IKEDA SDCI

 $700\,5^{\text{TH}}$  AVE, FLOOR 19 SEATTLE, WA 98104

In the name of the State of Washington, City of Seattle, pursuant to Seattle Municipal Code Section 3.02.120, IT IS ORDERED that you make available to <u>David Moehring</u> the following documents: "copies of previously-issued recommendations by the <u>Department</u> (since 2006) regarding engineering conditions applied to Short Plat Subdivisions," no later than 7 days from the date of service of this subpoena.

Entered this 15th day of July, 2019.

Barbara Dyles Ehrlichman
Barbara Dykes Ehrlichman, Deputy Hearing Examiner

Office of Hearing Examiner

P.O. Box 94729

Seattle, Washington 98124-4729

APPEAL ATTACHMENT '21.1' Construction & happening

## BEFORE THE HEARING EXAMINER CITY OF SEATTLE

JUL 16 2019 RECEIVED

In the Matter of the Appeals of

Hearing Examiner Files: MUP-19-019 (P), MUP-19-020 (P), & MUP-19-021 (P)

NEIGHBORS TO MIRRA HOMES DEVELOPMENTS

Department References: 3032834-LU

3032833-LU 3032857-LU

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

SUBPOENA

TO: NATHAN TORGELSON

SDC1

700 5<sup>th</sup> Ave, Floor 19 Seattle, WA 98104

In the name of the State of Washington, City of Seattle, pursuant to Seattle Municipal Code Section 3.02.120, IT IS ORDERED that you make available to <u>David Moshring</u> the following documents: "digital copies of all interpretations previously issued (since 2006) by the Department regarding departures, exceptions or variances from the Short Plat Subdivision requirements of Chapters 23.09, 23.24, 23.53, and 23.84," no later than 7 days from the date of service of this subpoens.

Entered this 15th day of July, 2019.

Burbara Dykes Ehrlichman, Deputy Hearing Examiner

Office of Hearing Examiner

P.O.: Box: 94720

Sentile, Washington 98124-4729