

BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeals by ) Hearing Examiner Files:  
 ) **MUP-19-019, MUP-19-020, MUP-19-021**  
 )  
Neighbors to Mirra Homes Developments )  
from Short Plat Decisions Issued by the ) **DECLARATION of a PRELIMINARY WITNESS**  
the Director of the Seattle Department of ) **and**  
Construction and Inspections ) **CLARIFY LAY-WITNESS**  
 )


**Neighbors to Mirra Homes Developments, Appellant**  
**vs.**  
**Mirra Homes**

Attached is the Declaration of Henry (Hank) McGuire relative to the use of his email that was corresponded with various City of Seattle personnel relative to the matters appealed in the case listed above. As indicated in the Appellant final witness list issued the end of the day on Friday, August 2, Mr. McGuire was removed from the primary witness list as this declaration will be presented instead.

In addition, the Amended Appellant List of Witnesses and Exhibits issued early on August 1, 2019 listed neighbor Todd McChesney who resides at 3417 / 3419 22nd Avenue West to testify around 2pm on Tuesday, August 13<sup>th</sup>. Mr. McChesney will be testifying as a lay-witness relative to the appealed criteria of the short plat being in the interest of the public, including his description of the unimproved alley. His testimony is also relative to emergency access criteria for legal lots. His testimony is expected to last 15-20 minutes.

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.

Respectfully prepared this 5th day of August 2019,

  
David Moehring,  
Neighbors to Mirra Homes Developments  
3444B 23rd Avenue West, Seattle, Washington 98199

## Certificate of Service

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 Developments **Appellant's DECLARATION of a PRELIMINARY WITNESS and CLARIFY LAY-WITNESS** to every person listed below, in the matter of the **Short Plat Subdivision decisions issued for 3410 to 3424 23<sup>rd</sup> Ave West**, Hearing Examiner File No.s MUP-19-019 and MUP-19-020 and MUP-19-021.

**Department:**

David Landry  
Seattle Department of Construction & Inspections  
Phone: (206) 684-5318  
Email: david.landry@seattle.gov

**Owner Applicant:**

Brooke Friedlander  
Mirra Homes  
11624 SE 5th St Suite 210  
Bellevue, WA 98005  
Email: [brooke.friedlander@mirrahomes.com](mailto:brooke.friedlander@mirrahomes.com)

**Applicant Legal Counsel:**

Brandon Gribben  
Hellsell Fetterman LLP  
1001 Fourth Avenue, Ste 4200  
Seattle, WA 98154  
Phone: (206) 292-1144  
Email: bgribben@hellsell.com

**Office of the Hearing Examiner:**

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

Dated August 5, 2019



David Moehring  
Appellants' representative, Neighbors to Mirra Homes Developments  
3444 23<sup>rd</sup> Ave West  
Seattle WA 98199

**BEFORE THE HEARING EXAMINER**

**CITY OF SEATTLE**

In the Matter of the Appeal of:		Hearing Examiner Files:
		MUP-19-019, MUP-19-020 and MUP-19-021
Neighbors to Mirra Homes Developments,		
from a Short Plat Subdivision decision issued by the		DECLARATION OF HANK McGUIRE IN
Director of the Seattle Department of Construction		SUPPORT OF THE APPELLANTS'
and Inspections.		DOCUMENTATION OF E-MAIL MESSAGES
_____		

I, Henry 'Hank' McGuire, declare and state for record the following:

1. We are over 18 years of age and am a citizen of United States and I am competent to make this declaration.
  2. I am a longtime Seattle resident who resides within a residential property at 1526 11th Avenue West in Seattle, Washington. Our residence is just one block to the south of lowrise multifamily zoning within the neighborhood of Queen Anne.
  3. My property has not been directly affected by multifamily zoning. However, being active in the community for decades, it is important for me to see that City policies align with City codes.
  4. Since April 2018, I was actively pursuing with the Mayor, Deputy Mayor, SDCI Director, and City staff the pursuit of zoning and land-use code compliance relative to low-rise multifamily development. This interest was initiated by a questionable nearby rowhouse with single-family residence development at 1831 11TH AVE W (Parcel 3232200045).
  5. I understand that the Seattle Row-house Development Rules as identified within the Seattle Municipal Code Charter 23.84A.032.R.20 prohibit row-houses to be located between the street and other primary dwellings behind them as is the case with the development now proposed at 3410 to 3424 23<sup>rd</sup> Avenue West in Seattle.
4. I have authorized the use of email correspondence by David Moehring for the use of the Hearing Examiner in the above indicated appeals. The dates and addressees include:
- a) July 23, 2018 to Nathan Torgelson, SDCI Dorector (and related chain of correspondence, typical)
  - b) June 27, 2018 to Mayor Jenny Durkan, et. al.
  - c) June 20, 2018 to Mayor Jenny Durkan, et. al.
  - d) May 25, 2018 to Mayor Jenny Durkan, et. al.
  - e) May 23, 2018 to Mayor Jenny Durkan, et. al.
  - f) April 26, 2018 to Mayor Jenny Durkan, et. al.
  - g) April 16, 2018 to Roberta Baker of SDCI

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct to the best of my knowledge and belief.

Signed in Seattle, Washington this 31<sup>ST</sup> day of July, 2019.



[Signed above]

Henry 'Hank' McGuire