

THE HEARING EXAMINER OF THE CITY OF SEATTLE

In the Matter of the Appeals of	)	Hearing Examiner Files:
	)	MUP 21-016 (CU) and MUP 21-017 (ECA)
MAGNOLIA COMMUNITY COUNCIL	)	
AND OTHERS and FRIENDS OF THE	)	Department Reference: 3028072-LU
LAST 6,000	)	
	)	EX PARTE MOTION FOR ISSUANCE OF
from decisions issued by the Director,	)	SUBPOENAS DUCES TECUM (REVISED)
Seattle Department of Construction and	)	
Inspections	)	
	)	
	)	
	)	

Pursuant to Hearing Examiner Rules of Practice and Procedure ("HER") 3.12(g), Edward R. Coulson, Authorized Representative for the Magnolia Community Council and Others ("MCC"), moves the Hearing Examiner for issuance of the attached Subpoenas Duces Tecum directed to individuals and entities with possession, custody or control of documents specified in the Subpoenas that are relevant to key issues in this appeal. These issues are identified in the Hearing Examiner's June 28, 2021 Order on Applicant's Motion to Dismiss and include:

- (1) the existence and effect of recorded property restrictions as they provide context for the exercise of discretion under SMC 23.42.042(B);
- (2) tree height restrictions necessary to mitigate the adverse public view impact of the Project;
- (3) regrading to mitigate the adverse public view impact of the Project;
- (4) factors to determine the reasonableness of removal of the north side exterior stair access of the Project;
- (5) the existence and effect of the Memorandum of Agreement, dated October 21, 2011, as it provides context for the exercise of discretion under SMC 23.42.042(B); and

(6) the Project's proposed construction practices and changes to the Admiral's House and its landmark boundary and necessity of review by the Landmarks Preservation Board and the Historic Seattle Preservation and Development Authority as part of the exercise of discretion under SMC 23.42.042(B) or (C).

The documents responsive to the Subpoenas are necessary to conduct depositions of Oceanstar representatives, affiliates, and architects, tentatively scheduled with Oceanstar's and Friends of the Last 6000's counsel to begin July 21, 2021. The responsive documents will also be used in the preparation of MCC's initial witness and exhibit list, due July 15, 2021.

The requested Subpoenas Duces Tecum are attached to this Motion.

Dated this 1st day of July, 2021.

/s/

Edward R. Coulson  
Authorized Representative for Appellants  
MAGNOLIA COMMUNITY COUNCIL AND  
OTHERS  
1522 Thorndyke Avenue W.  
Seattle, WA 98199  
(206) 953-2579  
coule@schweetlaw.com

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AND OTHERS and FRIENDS OF THE	)	Department Reference: 3028072-LU
LAST 6,000	)	
	)	SUBPOENA DUCES TECUM TO
from decisions issued by the Director,	)	OCEANSTAR, LLC
Seattle Department of Construction and	)	
Inspections	)	
_____	)	

TO: OCEANSTAR, LLC  
20308 Dayton Avenue N., Shoreline, WA 98133

GREETINGS:

Pursuant to Hearing Examiner Rules of Practice and Procedure Section 3.12, **YOU ARE COMMANDED** to produce and permit inspection and copying of the documents or tangible things listed on **Exhibit A**, attached hereto, on Wednesday, July 14, 2021 at 9:00 a.m. at the Law Offices of Schweet Linde & Coulson, PLLC, 575 S. Michigan St., Seattle, WA 98108.

The documents sought by this subpoena are relevant to the issues on appeal in this matter and are within the reasonable scope of this subpoena.

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HEREIN FAIL NOT AT YOUR PERIL

Dated this \_\_\_\_\_ day of July, 2021.

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HEARING EXAMINER  
City of Seattle, Office of Hearing Examiner

## EXHIBIT A

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1. All Documents, including without limitation, communications or agreements among representatives of Oceanstar, LLC, Golden Seas, LLC, Nina Fisheries, Inc., Robert Desautel, Walter Kuhr, Jr., Lil Kuhr and Kathy Shepard regarding the design, use, or potential disposition of the Buildings.
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3. Minutes of all meetings that discuss or refer to the design, use, or potential disposition of the Buildings.
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LAST 6,000	)	
	)	SUBPOENA DUCES TECUM TO
from decisions issued by the Director,	)	GLOBAL SEAS, LLC
Seattle Department of Construction and	)	
Inspections	)	
_____	)	

TO: GLOBAL SEAS, LLC  
2500 W. Marina Place, Seattle, WA 98199

GREETINGS:

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HEREIN FAIL NOT AT YOUR PERIL

Dated this \_\_\_\_\_ day of June, 2021.

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LAST 6,000	)	
	)	SUBPOENA DUCES TECUM TO
from decisions issued by the Director,	)	NINA FISHERIES, INC.
Seattle Department of Construction and	)	
Inspections	)	
_____	)	

TO: NINA FISHERIES, INC.  
20308 Dayton Avenue N., Shoreline, WA 98133

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LAST 6,000	)	
	)	SUBPOENA DUCES TECUM TO
from decisions issued by the Director,	)	ROBERT DESAUTEL
Seattle Department of Construction and	)	
Inspections	)	
_____	)	

TO: ROBERT DESAUTEL  
20308 Dayton Avenue N., Seattle, WA 98133

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from decisions issued by the Director,	)	WALTER KUHR, JR.
Seattle Department of Construction and	)	
Inspections	)	
_____	)	

TO: WALTER KUHR, JR.  
20308 Dayton Avenue N., Seattle, WA 98133

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	)	SUBPOENA DUCES TECUM TO
from decisions issued by the Director,	)	KATHY SHEPARD
Seattle Department of Construction and	)	
Inspections	)	
_____	)	

TO: KATHY SHEPARD  
20308 Dayton Avenue N., Seattle, WA 98133

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	)	SUBPOENA DUCES TECUM TO
from decisions issued by the Director,	)	LIL KUHR
Seattle Department of Construction and	)	
Inspections	)	
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TO: LIL KUHR  
20308 Dayton Avenue N., Seattle, WA 98133

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from decisions issued by the Director,	)	GELOTTE HOMMAS DRIVDAHL
Seattle Department of Construction and	)	
Inspections	)	
_____	)	

TO: GELOTTE HOMMAS DRIVDAHL  
2340 130<sup>th</sup> Avenue NE, Suite 100, Bellevue, WA 98005

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4. All Documents that refer to or discuss the Historic Preservation Easement and Covenants, dated June 7, 2013, and recorded under King County Recorder No. 20130611002100.
5. All Documents that refer to or discuss a 2011 Memorandum of Agreement or any other agreement among the Federal Highway Administration, State Historic Preservation Office, Washington Department of Transportation, City of Seattle, and Pacific Northwest Communities, LLC.
6. All Documents, including without limitation, any written communications of any kind with the Landmarks Preservation Board ("Board") or others, that discuss or refer to Admiral's House status as a designated landmark or the impact of Oceanstar's construction practices to construct the Buildings on the Admiral's House and its designated landmark area on the Property.

## DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on this date,  
I sent true and correct copies of the attached EX PARTE MOTION FOR ISSUANCE OF  
SUBPOENAS DUCES TECUM (REVISED) to each person listed below, in the manner indicated.

Margaret M. Boyle  
Email: [margaret@boylemartin.com](mailto:margaret@boylemartin.com)  
Authorized Representative of Friends of the Last 6,000  
Method of Service: E-mail

Michael Houston  
Email: [michaelt.houston@seattle.gov](mailto:michaelt.houston@seattle.gov)  
Authorized Representative of SDCI  
Method of Service: E-mail

Erika Ikstrums  
Seattle Department of Construction and Inspection  
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John C. McCullough  
Email: [jack@mhseattle.com](mailto:jack@mhseattle.com)  
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David Carpman  
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Attorneys for Oceanstar LLC, Applicant  
Method of Service: E-mail

Maddi Warnock  
Email: [mwarnock@mhseattle.com](mailto:mwarnock@mhseattle.com)  
Method of Service: E-mail

Tom Brown  
Gelotte Hommas Drivdahl  
[tomb@ghdarch.com](mailto:tomb@ghdarch.com)  
Method of Service: E-mail

SIGNED this 1st day of July, 2021, in Seattle, Washington.

/s/  
\_\_\_\_\_  
Edward R. Coulson  
Authorized Representative for Appellants  
MAGNOLIA COMMUNITY COUNCIL  
AND OTHERS  
1522 Thorndyke Ave. W., Seattle, WA  
206-953-2579, [coule@schweetlaw.com](mailto:coule@schweetlaw.com)