

THE HEARING EXAMINER OF THE CITY OF SEATTLE

MAGNOLIA COMMUNITY COUNCIL,)	
MIKE APPEL, M. JEANNE COULSON,)	
EDWARD R. COULSON, DEBBIE)	Hearing Examiner File: MUP 21-016
MULLINS, JONATHAN E. MULLINS, and)	and MUP 21-017
JANIS TRAVEN,)	
)	Department Reference: 3028072-LU
Petitioners,)	
)	MCC WITNESS AND EXHIBIT LIST
v.)	
)	
CITY OF SEATTLE,)	
)	
Respondent.)	
_____)	

Magnolia Community Council ("MCC") submits its witness and exhibit list for the above-captioned appeal.

I. WITNESS LIST

MCC may call the following witness or testify at the appeal hearing. The general subject matter of their expected testimony is noted below.

1. Stephen Deforest is a Magnolia resident and former president of the Magnolia Community Council (MCC). Mr. Deforest may testify regarding the background of MCC, the contributions of Ursula Judkins to MCC and the community at large, MCC's involvement with UJV, and MCC's concerns and activities with respect to the Project. MCC anticipates Mr. Deforest's direct testimony will take approximately 30 minutes.

2. Gene and Debbie Mullins are owners of a home that overlooks UJV and may provide testimony about the historical existence, maintenance, use, and repair of UJV, as well as their interactions and agreements with the owners of the Admiral's House property, including the recording of and owner's compliance with a view covenant on the Property. MCC anticipates Mr. or Ms. Mullins direct testimony may take approximately 30 minutes.

3. Karen Kiest is a landscape architect and may provide lay and expert witness testimony. A copy of her resume is included as an exhibit. Ms. Keist will testify regarding the community's protection and appreciation of parks and public spaces, beginning with the historic landmarked Olmsted Brothers Magnolia Boulevard project and continuing with UJV, including Ms. Kiest's assistance in developing goals for the Friends of Ursula Judkins Viewpoint Park organization and presenting to the public numerous options for the improvement of UJV in 2007, as well as her work with Seattle Parks and Recreation related to UJV. Ms. Kiest will also testify regarding the characteristics, cultivation and growth rates of the planned Project landscaping. MCC anticipates Ms. Kiest's direct testimony will take approximately 45 minutes.

4. Don Harper is a Queen Anne resident, the Parks chair and former president of the Queen Anne Community Council and may testify regarding the naming of UJV and the involvement of Seattle Parks and Recreation to designate and protect the public view of UJV. MCC anticipates that Mr. Harper's direct testimony may take approximately 30 minutes.

5. Janis Traven is a resident of Magnolia who may testify regarding her involvement with studies leading up to the signing of the Memorandum of Agreement in 2011, as well as her involvement in and knowledge of the various plans for replacement of the Magnolia Bridge. MCC anticipates Ms. Traven's testimony may take approximately 30 minutes.

6. A representative from Seattle Parks and Recreation may testify regarding its general goals and policies with respect to parks and public spaces, its acquisition, maintenance, and development of UJV, the public purpose of UJV and other Seattle viewpoints, the adverse public impact of the Project's planned north stair access, the adverse public impact from the

location of the proposed buildings and buffers on UJV, a SPR memorandum designating UJV as a viewpoint, and assistance SPR can provide to protect the public view of UJV. MCC anticipates SPR's representative's direct testimony may take approximately 60 minutes.

7. David Moehring, AIA, NCARB, is an architect and may provide lay and expert witness testimony. A copy of his resume is included as an exhibit. Mr. Moehring may testify as to the adverse public impacts of the Project on the Ursua Judkins Viewpoint (UJV) and the Admiral's House historic landmark, including the impairment and destruction of the public view from UJV by the height of the Project buildings and by the tree buffer proposed for the north boundary of the Project, the impact on the spatial location, contrasts of siting and scale of the Admiral's House, and the impact on the landmark area of the Admiral's House. Mr. Moehring will provide background and context to the photographs, plans and diagrams that depict the various land and design features of the Project and the surrounding area, including UJV. Mr. Moehring may also testify as to reasonable conditions to mitigate such adverse impacts, such as regrading UJV, realignment of some of UJV's features, resizing the Project buildings, and imposing controls on the Project landscaping impacting UJV. MCC anticipates that Mr. Moehring's direct testimony may take approximately 90 minutes.

8. A representative from the Seattle Department of Neighborhoods, Landmarks Preservation Board (Board) may testify regarding the Board's expectations of Oceanstar's compliance with the Admiral's House Landmark Designation, Ordinance No. 124135 (Ordinance), the Board's communications and meetings with Oceanstar's representatives regarding the Project, interactions and cooperation with Historic Seattle regarding the Project, and communications with members of the public regarding the Project, and the Board's expectations of cooperation with SDCI in its processing and approval of Oceanstar's application for a conditional use permit for the Project. MCC anticipates the Board's representative's direct testimony may take approximately 45 minutes.

9. Eugenia Woo, Director of Preservation Services, Historic Seattle Preservation Foundation (Historic Seattle) may provide lay and expert witness testimony regarding Historic Seattle's Historic Preservation Easement and Covenants (Easement) on the Admiral's House property, including testimony as to its expectations and history of Oceanstar's compliance with the Easement and interactions or approvals by the Landmarks Preservation Board, Historic Seattle's procedures for its approval of changes under the Easement, and testimony regarding communications about the Project with the Landmarks Preservation Board and SDCI. MCC anticipates Ms. Woo's direct testimony may take approximately 45 minutes.

10. Robert Desautel is believed to be the President, Chairman of the Board, and an owner of Nina Fisheries, Inc., the governing member of Oceanstar, LLC, the owner of the Property, and Global Seas, LLC, whose offices are in the Admiral's House. Mr. Desautel will be called to testify regarding agreements between Oceanstar and Global Seas concerning the use, maintenance, and repairs of the Admiral's House, the design, use and eventual disposition of the proposed Buildings as that impacts the use or removal of the north side exterior stair access of the Project, the existence of and Oceanstar's compliance with recorded Property restrictions, Property tree height and other restrictions necessary to protect the public view of UJV, the existence and effect of the Memorandum of Agreement on the Project, and the Project's proposed construction practices and changes to the Admiral's House and its landmark boundary. MCC anticipates Mr. Desautel's direct testimony will take approximately 60 minutes.

11. Walter Kuhr, Jr. is believed to be the Vice President and an owner of Nina Fisheries, the governing member of Oceanstar, LLC, the owner of the Property, and Global Seas, LLC, whose offices are in the Admiral's House. Mr. Kuhr may be called to testify regarding agreements between Oceanstar and Global Seas for the use, maintenance or repairs of the Admiral's House, the design, use and potential disposition of the proposed Buildings as that impacts the use or removal of the north side exterior stair access of the Project, the existence of and Oceanstar's compliance with recorded Property restrictions, Property tree

height and other restrictions necessary to protect the public view of UJV, the existence and effect of the Memorandum of Agreement on the Project, and the Project's proposed construction practices and changes to the Admiral's House and its landmark boundary. MCC anticipates Mr. Kuhr's direct testimony will take approximately 60 minutes.

12. Tom Brown is an architect at Gelotte Hommas Drivdahl, the Project architects. Mr. Brown will be called to testify regarding the design, use and potential disposition of the proposed Buildings as that impacts the use or removal of the north side exterior stair access of the Project, the existence of and Oceanstar's compliance with recorded Property restrictions, Property tree height and other restrictions necessary to protect the public view of UJV, the existence and effect of the Memorandum of Agreement on the Project, and the Project's proposed construction practices and changes to the Admiral's House and its landmark boundary. MCC anticipates Mr. Brown's direct testimony will take approximately 60 minutes.

13. Eric Drivdahl is an architect at Gelotte Hommas Drivdahl, the Project architects. Mr. Drivdahl will be called to testify regarding the design, use and potential disposition of the proposed Buildings as that impacts the use or removal of the north side exterior stair access of the Project, the existence of and Oceanstar's compliance with recorded Property restrictions, Property tree height and other restrictions necessary to protect the public view of UJV, the existence and effect of the Memorandum of Agreement on the Project, and the Project's proposed construction practices and changes to the Admiral's House and its landmark boundary. MCC anticipates Mr. Drivdahl's direct testimony will take approximately 60 minutes.

14. Michael Houston, AICP, Land Use Planner, Seattle Department of Construction and Industries, approved Oceanstar's application for a conditional land use permit, SDCI Project Number 3028072-LU. Mr. Houston may be called to testify regarding the factors considered in the approval of Oceanstar's application, including without limitation, the design, use and eventual disposition of the proposed Buildings as it impacts the use or removal of the north side exterior stair access of the Project, the existence of and Oceanstar's compliance with recorded

Property restrictions, Property tree height and other restrictions necessary to protect the public view of UJV, the existence and effect of the Memorandum of Agreement on the Project, and the Project's proposed construction practices and changes to the Admiral's House and its landmark boundary. MCC anticipates Mr. Houston's direct testimony will take approximately 60 minutes.

MCC reserves the right to call any witness identified by any other party, to call additional rebuttal witnesses, to call additional witnesses to the extent that it is allowed by the City of Seattle Hearing Examiner Rules, and to call substitute witnesses if any of the witnesses identified above become unavailable. MCC reserves the right to add additional witnesses after completion of MCC's pending document requests and planned depositions.

II. EXHIBIT LIST

MCC identifies the following exhibits it may use at the hearing in this matter.

1. Admiral's House photograph
2. City of Seattle Ordinance No. 124135
3. Quitclaim Deed recorded October 5, 2012
4. View Corridor and Landscape Maintenance Covenant recorded June 13, 2013
5. Statutory Warranty Deed recorded June 21, 2013
6. Karen Kiest Resume
7. UJV Plan Options
8. UJV Sketch
9. UJV Public Meeting Notice
10. SPR Memo
11. Historic Preservation Easement and Covenants recorded June 11, 2013
12. Landmarks Preservation Board (LPB) email exchange 9-25-19, 5:03 pm
13. LPB email exchange 9-25-19, 5:47 pm
14. LPB email 9-30-19
15. LPB meeting reservation 10-22-19

16. LPB email exchange 5-20-21
17. Memorandum of Agreement
18. Bridge replacement sketches
19. David Moehring Resume
20. UJV vicinity photographs and documents
21. SEPA Environmental Checklist

In addition to the exhibits identified above, MCC reserves the right to add additional rebuttal exhibits, to introduce exhibits identified by any other party, to introduce additional exhibits as allowed by the City of Seattle Hearing Examiner Rules, and to introduce additional exhibits during cross-examination or rebuttal. MCC also reserves the right to add additional exhibits following completion of MCC's pending document requests and planned depositions.

DATED this 15th day of July, 2021.

/s/

Edward R. Coulson
Authorized Representative for Appellants
Magnolia Community Council and Others
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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 MCC WITNESS AND EXHIBIT LIST and MCC EXHIBITS 1
through 21 to each person listed below, in the manner indicated.

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SIGNED this 15th day of July, 2021, in Bend, Oregon.

/s/

Edward R. Coulson

Authorized Representative for Appellants

MAGNOLIA COMMUNITY COUNCIL

AND OTHERS

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