

1 SEATTLE HEARING EXAMINER

2  
3 In the Matter of the Appeal by  
4 QUEEN ANNE COMMUNITY COUNCIL

Hearing Examiner File  
No. W-16-004

5 From a determination of non-significance  
6 issued by the Office of Planning and  
Community Development

MOTION BY QUEEN ANNE  
COMMUNITY COUNCIL TO CONTINUE  
PROCEEDINGS

7  
8 **I. Relief Requested**

9 Pursuant to HER 2.16 (motions), 2.20 (continuing of hearing), and 2.21 (leaving  
10 record open), Queen Anne Community Council requests that the evidentiary record in  
11 this matter remain open following the City's complete response to Queen Anne's  
12 request for production of records in order to allow for Queen Anne's review,  
13 supplementation of the record, examination of City witnesses, and presentation of  
14 argument on those records. Documentation of the City's review of the proposed  
15 legislation was requested nearly three months ago. After giving several prior dates for  
16 production, the City now gives October 14, 2016 as the date of final production, which  
17 would be two weeks after the continued hearing on September 30, 2016.  
18

19  
20 **II. Relevant Facts**

21 The Queen Anne Community Council filed this appeal on June 6, 2016. The  
22 undersigned appeared for Queen Anne on June 23, 2016. Two weeks later, on July 8,  
23 2016, Queen Anne (through legal counsel) submitted to the Office of Planning and  
24 Community Development (OPCD) a request for public records in order to gain  
25 documentation relating to the basis for the environmental determination under review. A

MOTION BY QUEEN ANNE COMMUNITY COUNCIL  
TO CONTINUE PROCEEDINGS - 1

ARAMBURU & EUSTIS, LLP  
720 Third Avenue, Suite 2000  
Seattle, Washington 98104  
Tel. (206) 625-9515 Fax (206) 682-1376

1 copy of this request is contained at Appendix A to Queen Anne's Opposition to the  
2 City's Motion to Dismiss (July 14, 2016). Queen Anne indicated that the request was  
3 time sensitive in that the documents were necessary to prepare for a hearing scheduled  
4 for August 31, 2016. OPCD responded that the requested documents would be  
5 produced by August 5, 2016. Disks purporting to contain the requested documents were  
6 made available on August 9, 2016. But that production was incomplete. Of the six disks  
7 provided, three were duplicates and none contained any correspondence. OPCD  
8 responded that it did not understand the request to include correspondence and  
9 represented that it could provide copies of correspondence (including email messages)  
10 by September 16, 2016. These exchanges are included within the email thread of  
11 August 24, 2016, set forth at Attachment 1 to this motion.  
12

13 As the production date approached, Queen Anne requested information  
14 regarding the manner of production. In the morning of September 16, 2016, OPCD  
15 represented that the documents would be furnished through CDs to be made available  
16 at its offices by 4:30 pm that day. But several hours later, OPCD stated that the  
17 requested records could not be produced for another four weeks, until October 14,  
18 2016, or two weeks after the resumed hearing on September 30, 2016, and three  
19 months after the initial request. A copy of these exchanges is contained within the email  
20 thread of September 19, 2016, set forth at Attachment 2 to this motion.  
21

### 22 **III. Argument**

23 Pursuant to HER 2.20, a hearing may be continued for good cause shown. At the  
24 early stage of this appeal, Queen Anne had requested documentation relating to the  
25 legislation and its environmental review so it could determine what factors were actually

1 given consideration. See Queen Anne's Opposition to the City's Motion to Dismiss at 3  
2 (July 14, 2016). Four months after the filing of this appeal, three months after  
3 documentation was requested, nearly two months after the initial response, and for a  
4 month after the latest promised date, OPCD still has not fully produced the requested  
5 records. To allow the benefit of its requested discovery, Queen Anne asks that following  
6 testimony on September 30, 2016, the evidentiary record be kept open for a sufficient  
7 time following OPCD's complete production of records (whenever that may be), in order  
8 to allow Queen Anne the opportunity to review those records, to supplement the  
9 evidentiary record, to examine City witnesses, and to present argument on those  
10 records. To deny that opportunity would allow OPCD to frustrate Queen Anne's record  
11 requests and to deny Queen Anne the opportunity to fully review the documentation  
12 reflecting OPCD's consideration of this legislative proposal.  
13

14 Queen Anne has shown good cause for keeping the hearing record open  
15 following the September 30, 2016 hearing and its request should be granted.  
16

17 Dated this 23<sup>rd</sup> day of September, 2016.

18 ARAMBURU & EUSTIS, LLP

19 By   
20

21 Jeffrey M. Eustis, WSBA #9262  
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DECLARATION OF SERVICE

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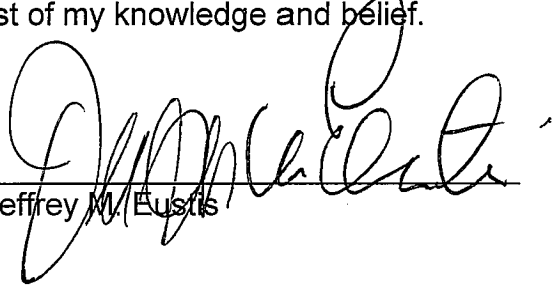
I am a partner in the law offices of Aramburu & Eustis, LLP, over eighteen years of age and competent to be a witness herein. On the date below, I served copies of the foregoing document upon parties of record, addressed as follows:

Nick Welch  
City of Seattle Office of Planning and Community Development  
Nicolas.Welch@seattle.gov  
 first class postage prepaid,  
 email  facsimile  
 hand delivery / messenger

Geoff Wentlandt  
City of Seattle Office of Planning and Community Development  
Geoff.Wentlandt@seattle.gov  
 first class postage prepaid,  
 email  facsimile  
 hand delivery / messenger

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

DATED: Sept. 23, 2016.

  
\_\_\_\_\_  
Jeffrey M. Eustis

# Attachment 1

**From:** Kelly, Jason W [mailto:Jason.W.Kelly@Seattle.Gov]

**Sent:** Wednesday, August 24, 2016 2:25 PM

**To:** Jeff Eustis

**Cc:** Wentlandt, Geoffrey; Welch, Nicolas; Kaplan, Martin

**Subject:** RE: Request for supplementation of response to Public Records Request to Office of Planning and Development

Jeff --

Thanks for your note of yesterday. I cannot explain the duplication on the disks. Perhaps we inadvertently omitted some items while providing others twice. Here are the folders we intended to provide. If you tell us which folders are missing, we will provide them immediately:

- 23rd Legislation
- ADU\_DADU\_items, with subfolders and files:
  - 9 Articles and resources
  - 9 ReferenceDocs
  - Capacity analysis
  - DADU photos
  - Engagement
  - Ordinance Development
  - 2016 ADU DADU Director's Report.indd
  - DPD STAFF DRAFT Removing Barriers to Backyard Cottages FINALL.indd
- Building Code
- DesignReview
- DRA Reports
- HALA reports
- HALA\_ActionItems
- HALA\_Committee\_Recs
- MHA\_ProposedLeg\_and\_EnvReview
- PRDreform
- RuleMaking
- University District

With regard to correspondence, we did not understand that you were interested in receiving copies of emails. Now that we understand that, we are happy to search for and produce that information. We will begin that process immediately. Given the necessary work to search, compile and review them, I estimate we will be able to deliver responsive emails on Sept 16.

The more general information provided to you on HALA was in response to your request for all proposals for legislation or rulemaking, whether in conceptual or draft form, that responded to the mayor's HALA action plan.

I've copied my original response to you here as a reminder of my understanding of your request:

This acknowledges receipt of your public disclosure request of Friday, July 8, to the Office of Planning and Community Development for copies of:

- 1) Documents concerning the legislative proposal and environmental determination regarding amendments to the attached accessory dwelling unit and detached accessory dwelling unit provisions of the land use code:
  - All analysis and data upon which the determination was rendered, including, but not limited to:
    - Impacts upon infrastructure
    - Parking and traffic impacts
    - Impacts on property values, affordability of housing and population pressures
    - Impacts upon land use, residential design, neighborhood character and aesthetics
  - All data considered in the preparation of the Director's Report titled, *Removing Barriers to Backyard Cottages & Accessory Dwelling Units* (May 2016)
  
- 2) The Mayor's Action items for the HALA Recommendations that include:
  - Proposals for legislation or rulemaking, whether in conceptual or draft form
  - The review of environmental impacts of such proposals, including draft environmental checklists and underlying documents
  - Plans, programs, calendars or other schedules for presentation and/or consideration of such proposals

---

Jason W. Kelly  
Director of Communications  
City of Seattle Office of Planning and Community Development  
P: 206.615.0494 | C: 206.639.0595 | [jason.w.kelly@seattle.gov](mailto:jason.w.kelly@seattle.gov)



**From:** Jeff Eustis [<mailto:eustis@aramburu-eustis.com>]  
**Sent:** Tuesday, August 23, 2016 4:23 PM  
**To:** Kelly, Jason W <[Jason.W.Kelly@Seattle.Gov](mailto:Jason.W.Kelly@Seattle.Gov)>  
**Cc:** Wentlandt, Geoffrey <[Geoffrey.Wentlandt@seattle.gov](mailto:Geoffrey.Wentlandt@seattle.gov)>; Welch, Nicolas <[Nicolas.Welch@seattle.gov](mailto:Nicolas.Welch@seattle.gov)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>  
**Subject:** Request for supplementation of response to Public Records Request to Office of Planning and Development



Jason,

We have reviewed the 6 disks that were provided by the city. The six disks contain only three disks of information as three of them were simply copies of the other disks.

The disks do not contain any correspondence whatsoever; one contains only photos of properties, and the other two contain very limited and little info about the SEPA determination. They contain some analysis and documents, local written articles, and many other documents from places other than

Seattle, but no correspondence as in emails, letters, or any trace of communications of any kind between people, which we would expect to be included, since a public process was held.

In general, the disks predominately contain mostly information that has nothing to do with DADU or ADU's, O'Brien's legislation, SEPA checklist, our appeal or any other content related to our request concerning our specific appeal.

We ask for your supplementation of the production of documents, for which our need is imminent, since the hearing is a week away.

Thank you,

Jeffrey Eustis  
Aramburu & Eustis, LLP  
720 Third Avenue, Ste 2000  
Seattle WA 98104  
Phone: (206)625-9515  
Fax: (206)682-1376


*This message may contain attorney-client or work-product protected information, which are not waived by this transmission. If you have received this message in error, please delete and discard it without forwarding it to others. Thank you.*

**From:** Kelly, Jason W [<mailto:Jason.W.Kelly@Seattle.Gov>]  
**Sent:** Tuesday, August 09, 2016 11:42 AM  
**To:** Jeff Eustis  
**Cc:** Kaplan, Martin  
**Subject:** RE: Public Records Request to Office of Planning and Development

We have your records available for pickup here at the Seattle Municipal Tower, 19<sup>th</sup> Floor. I will leave them at the front desk. Please let me know if you have any questions.

Jason

---

Jason W. Kelly  
Director of Communications  
City of Seattle Office of Planning and Community Development  
P: 206.615.0494 | C: 206.639.0595 | [jason.w.kelly@seattle.gov](mailto:jason.w.kelly@seattle.gov)  


**From:** Jeff Eustis [<mailto:eustis@aramburu-eustis.com>]  
**Sent:** Friday, July 22, 2016 9:41 AM





**To:** Kelly, Jason W <[Jason.W.Kelly@Seattle.Gov](mailto:Jason.W.Kelly@Seattle.Gov)>  
**Cc:** Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>  
**Subject:** RE: Public Records Request to Office of Planning and Development

Jason,

The dates would be from the creation of the HALA committee in September 2014 through to the present.

Thanks,

Jeffrey Eustis  
Aramburu & Eustis, LLP  
720 Third Avenue, Ste 2000  
Seattle WA 98104  
Phone: (206)625-9515  
Fax: (206)682-1376

*This message may contain attorney-client or work-product protected information, which are not waived by this transmission. If you have received this message in error, please delete and discard it without forwarding it to others. Thank you.*

**From:** Kelly, Jason W [<mailto:Jason.W.Kelly@Seattle.Gov>]  
**Sent:** Thursday, July 21, 2016 12:40 PM  
**To:** [eustis@aramburu-eustis.com](mailto:eustis@aramburu-eustis.com)  
**Subject:** RE: Public Records Request to Office of Planning and Development

To help speed up our response to your request, can you provide a date range for the documents you may be interested in?

Thanks.  
Jason

---

Jason W. Kelly  
Director of Communications  
City of Seattle [Office of Planning and Community Development](#)  
P: 206.615.0494 | C: 206.639.0595 | [jason.w.kelly@seattle.gov](mailto:jason.w.kelly@seattle.gov)



**From:** Kelly, Jason W  
**Sent:** Wednesday, July 13, 2016 3:36 PM  
**To:** [eustis@aramburu-eustis.com](mailto:eustis@aramburu-eustis.com)  
**Subject:** RE: Public Records Request to Office of Planning and Development



This acknowledges receipt of your public disclosure request of Friday, July 8, to the Office of Planning and Community Development for copies of:

- 1) Documents concerning the legislative proposal and environmental determination regarding amendments to the attached accessory dwelling unit and detached accessory dwelling unit provisions of the land use code:
  - All analysis and data upon which the determination was rendered, including, but not limited to:
    - Impacts upon infrastructure
    - Parking and traffic impacts
    - Impacts on property values, affordability of housing and population pressures
    - Impacts upon land use, residential design, neighborhood character and aesthetics
  - All data considered in the preparation of the Director's Report titled, *Removing Barriers to Backyard Cottages & Accessory Dwelling Units* (May 2016)
- 2) The Mayor's Action items for the HALA Recommendations that include:
  - Proposals for legislation or rulemaking, whether in conceptual or draft form
  - The review of environmental impacts of such proposals, including draft environmental checklists and underlying documents
  - Plans, programs, calendars or other schedules for presentation and/or consideration of such proposals

I estimate that it will take about 3 weeks to locate the records you have requested and to review them for potential exemptions to disclosure. The records will be available to you on about Aug. 5.

---

Jason W. Kelly  
Director of Communications  
City of Seattle Office of Planning and Community Development  
P: 206.615.0494 | C: 206.639.0595 | [jason.w.kelly@seattle.gov](mailto:jason.w.kelly@seattle.gov)



**From:** Jeff Eustis [<mailto:eustis@aramburu-eustis.com>]

**Sent:** Friday, July 08, 2016 9:58 AM

**To:** Kofoed, Kristian <[Kristian.Kofoed@seattle.gov](mailto:Kristian.Kofoed@seattle.gov)>; Wentlandt, Geoffrey <[Geoffrey.Wentlandt@seattle.gov](mailto:Geoffrey.Wentlandt@seattle.gov)>

**Cc:** Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>

**Subject:** Public Records Request to Office of Planning and Development



Greetings,

Pursuant to the Public Records Act, Ch. 42.56 RCW, I am requesting copies of documents containing the following information concerning the legislative proposal and environmental determination regarding amendments to the attached accessory dwelling unit and detached accessory dwelling unit provisions of the land use code:

- All analysis and data upon which the determination was rendered, including, but not limited to:
  - Impacts upon infrastructure
  - Parking and traffic impacts
  - Impacts on property values, affordability of housing and population pressures
  - Impacts upon land use, residential design, neighborhood character and aesthetics
- All data considered in the preparation of the Director's Report titled, *Removing Barriers to Backyard Cottages & Accessory Dwelling Units* (May 2016)

Regarding the Mayor's Action items for the HALA Recommendations, I am requesting documents containing the following information:

- Proposals for legislation or rulemaking, whether in conceptual or draft form
- The review of environmental impacts of such proposals, including draft environmental checklists and underlying documents
- Plans, programs, calendars or other schedules for presentation and/or consideration of such proposals

The requested information is time sensitive because it is necessary in order to prepare for the appeal hearing on August 31, 2016. We would appreciate receiving the requested documentation within two weeks of the date of this request.

Thank you for your attention to this,

Jeffrey Eustis  
Aramburu & Eustis, LLP  
720 Third Avenue, Ste 2000  
Seattle WA 98104  
Phone: (206)625-9515  
Fax: (206)682-1376

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# Attachment 2

## Jeff Eustis

---

**From:** Kelly, Jason W <Jason.W.Kelly@Seattle.Gov>  
**Sent:** Monday, September 19, 2016 3:23 PM  
**To:** Kaplan, Martin  
**Cc:** 'Jeff Eustis'; Wentlandt, Geoffrey; Welch, Nicolas; Carol  
**Subject:** RE: QACC Supplemental Records Response

This is an email to provide you with a status update regarding your public records request for correspondence related to HALA and ADU/DADUs. I am in the process of continuing to review records and anticipate being able to provide you with a further update and/or a production of responsive records by Oct 14.

---

**From:** Martin Henry Kaplan [mailto:mhk@martinhenrykaplan.com]  
**Sent:** Friday, September 16, 2016 3:26 PM  
**To:** Kelly, Jason W <Jason.W.Kelly@Seattle.Gov>  
**Cc:** 'Jeff Eustis' <eustis@aramburu-eustis.com>; Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Welch, Nicolas <Nicolas.Welch@seattle.gov>; Carol <carol@aramburu-eustis.com>  
**Subject:** RE: QACC Supplemental Records Response

### Good Afternoon Jason;

I just left you a message on each of your voicemails asking for your return call ASAP. Pursuant to your 10:25am email this morning acknowledging that you would have disks ready at 4:30pm this afternoon, we have made arrangements per your promise to retrieve the them at 4:30pm today.

Apparently you have just discovered the need to further review some emails, however we will there per our agreement to retrieve the disks at 4:30, presumably shy a few emails. We expect that these missing emails will be reviewed and the delivery record complete by Tuesday 20 September 2016 and look forward to the City's compliance and final delivery of the remaining correspondence per our original request.

I'd like to remind you that you received our request on 8 July 2016 and agreed to deliver all records requested by 5 August 2016. Not only did you delay delivery until 9 August 2016, the disks you delivered did not include any correspondence whatsoever. As you noted in your email on 24 August 2016, *We will begin that process immediately. Given the necessary work to search, compile and review them, I estimate we will be able to deliver responsive emails on Sept 16.*

We expect that you will fulfill your obligation and ask that you describe for us the exact reason and circumstance for your surprise reversal of delivery promise between 10:25am this morning and 1:40pm this afternoon.

Thank you Jason,  
Martin Kaplan

■  
Martin Henry Kaplan, Architects AIA  
Seattle Office  
360 Highland Drive, Seattle WA 98109  
T.206.682.8600 F.206.284.4400  
Sun Valley Idaho Office

Notice: Privileged and confidential communication. If you are not the addressee, you may not read, copy, or distribute this email. If you receive this email in error, please advise us immediately by return email and delete it from your system. Thank you.

---

**From:** Carol [<mailto:carol@aramburu-eustis.com>]  
**Sent:** Friday, September 16, 2016 2:49 PM  
**To:** 'Kelly, Jason W'  
**Cc:** 'Jeff Eustis'; Martin Henry Kaplan; 'Wentlandt, Geoffrey'; 'Welch, Nicolas'  
**Subject:** RE: QACC Supplemental Records Response

Mr. Eustis and his client have waited an additional three weeks for these materials; since they were promised for today should they not have already been under attorney review?

We would appreciate your provision today of any materials which do not require review by the attorney and we will look forward to prompt provision of those the attorney must review. I believe Mr. Kaplan is already prepared to be there at 4:30 as per your earlier email.

Carol Cohoe, Secretary  
ARAMBURU & EUSTIS, LLP  
206-625-9515

PACIFIC BUILDING GARAGE: The garage elevator will be updated during Summer 2016 and thus will be UNAVAILABLE. If you will be parking in our building please be prepared to use the stairs, there will be no ADA access between garage and lobby. (ADA parking is available in other nearby locations.) Start Date: Tuesday, July 5, 2016.

---

**From:** Kelly, Jason W [<mailto:Jason.W.Kelly@Seattle.Gov>]  
**Sent:** Friday, September 16, 2016 1:40 PM  
**To:** Carol  
**Cc:** 'Jeff Eustis'; Kaplan, Martin; Wentlandt, Geoffrey; Welch, Nicolas  
**Subject:** RE: QACC Supplemental Records Response

In reviewing the emails, it is clear that there are many that will require further review to ensure they are not covered by public disclosure exemptions. We will not be able to provide an installment today.

---

**From:** Kelly, Jason W  
**Sent:** Friday, September 16, 2016 10:25 AM  
**To:** 'Carol' <[carol@aramburu-eustis.com](mailto:carol@aramburu-eustis.com)>  
**Cc:** 'Jeff Eustis' <[eustis@aramburu-eustis.com](mailto:eustis@aramburu-eustis.com)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>; Wentlandt, Geoffrey <[Geoffrey.Wentlandt@seattle.gov](mailto:Geoffrey.Wentlandt@seattle.gov)>; Welch, Nicolas <[Nicolas.Welch@seattle.gov](mailto:Nicolas.Welch@seattle.gov)>  
**Subject:** RE: QACC Supplemental Records Response

There are more than 2000 emails that are responsive to your request. We will produce a CD or CDs that will be available for pickup at 4:30 this afternoon at the 19<sup>th</sup> floor of the Seattle Municipal Tower.

---

**From:** Carol [<mailto:carol@aramburu-eustis.com>]  
**Sent:** Friday, September 16, 2016 10:18 AM  
**To:** Kelly, Jason W <[Jason.W.Kelly@Seattle.Gov](mailto:Jason.W.Kelly@Seattle.Gov)>  
**Cc:** 'Jeff Eustis' <[eustis@aramburu-eustis.com](mailto:eustis@aramburu-eustis.com)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>; Wentlandt, Geoffrey

<[Geoffrey.Wentlandt@seattle.gov](mailto:Geoffrey.Wentlandt@seattle.gov)>; Welch, Nicolas <[Nicolas.Welch@seattle.gov](mailto:Nicolas.Welch@seattle.gov)>

**Subject:** RE: QACC Supplemental Records Response

Mr. Kelly,

I want to emphasize that we would like to receive the correspondence today as promised. Will you be producing by email or ftp, or should we arrange a time to pick up the materials?

Carol  
ARAMBURU & EUSTIS, LLP

Original request: July 8, 2016 (9:58 am) by Jeffrey Eustis.

Requested material: Documents related to ADU/HALA legislation.

Original estimate for production August 5, 2016. Disks provided: August 9, 2016.

CORRESPONDENCE not provided in original production; per [conversations] between Mr. Kelly and Mr. Eustis, correspondence including email (all departments, including mayor, council, staff) to be delivered BY 9/16/16.

---

**From:** Carol [<mailto:carol@aramburu-eustis.com>]

**Sent:** Tuesday, September 13, 2016 11:09 AM

**To:** 'Kelly, Jason W'

**Cc:** 'Jeff Eustis'; 'Kaplan, Martin'; 'Wentlandt, Geoffrey'; 'Welch, Nicolas'

**Subject:** RE: QACC Supplemental Records Response

If possible, we'd like to receive via email or FTP download.

Also, depending on the format you use to produce email, we may need instructions for how to search and for how to view the attachments to individual emails.

Carol Cohoe, Secretary  
ARAMBURU & EUSTIS, LLP  
206-625-9515

PACIFIC BUILDING GARAGE: The garage elevator will be updated during Summer 2016 and thus will be UNAVAILABLE. If you will be parking in our building please be prepared to use the stairs, there will be no ADA access between garage and lobby. (ADA parking is available in other nearby locations.) Start Date: Tuesday, July 5, 2016.

---

**From:** Kelly, Jason W [<mailto:Jason.W.Kelly@Seattle.Gov>]

**Sent:** Tuesday, September 13, 2016 10:14 AM

**To:** Carol

**Cc:** Jeff Eustis; Kaplan, Martin; Wentlandt, Geoffrey; Welch, Nicolas

**Subject:** RE: QACC Supplemental Records Response

We are still compiling and reviewing records. How we provide them to you will depend in part on the total number of records that are responsive to your request. All other things being equal, do you have a preference?

---

**From:** Carol [<mailto:carol@aramburu-eustis.com>]

**Sent:** Monday, September 12, 2016 6:26 PM

**To:** Kelly, Jason W <[Jason.W.Kelly@Seattle.Gov](mailto:Jason.W.Kelly@Seattle.Gov)>

**Cc:** Jeff Eustis <[eustis@aramburu-eustis.com](mailto:eustis@aramburu-eustis.com)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>; Wentlandt, Geoffrey <[Geoffrey.Wentlandt@seattle.gov](mailto:Geoffrey.Wentlandt@seattle.gov)>; Welch, Nicolas <[Nicolas.Welch@seattle.gov](mailto:Nicolas.Welch@seattle.gov)>

**Subject:** QACC Supplemental Records Response

Mr. Kelly, We are writing regarding the correspondence (including email) that you have committed to producing by September 16. Could you please advise by what medium you will produce the materials?

Carol Cohoe, Secretary  
ARAMBURU & EUSTIS, LLP  
720 Third Avenue, SUITE 2000  
Seattle, WA 98104  
(206) 625-9515

PACIFIC BUILDING GARAGE: The garage elevator will be updated during Summer 2016 and thus will be UNAVAILABLE. If you will be parking in our building please be prepared to use the stairs, there will be no ADA access between garage and lobby. (ADA parking is available in other nearby locations.) Start Date: Tuesday, July 5, 2016.

This message may be protected by the attorney-client and/or work product privilege. If you received this message in error please notify us and destroy the message. Thank you.



**From:** Kelly, Jason W [mailto:Jason.W.Kelly@Seattle.Gov]  
**Sent:** Monday, September 19, 2016 3:23 PM  
**To:** Kaplan, Martin  
**Cc:** 'Jeff Eustis'; Wentlandt, Geoffrey; Welch, Nicolas; Carol  
**Subject:** RE: QACC Supplemental Records Response

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**To:** Kelly, Jason W <Jason.W.Kelly@Seattle.Gov>  
**Cc:** 'Jeff Eustis' <eustis@aramburu-eustis.com>; Wentlandt, Geoffrey <Geoffrey.Wentlandt@seattle.gov>; Welch, Nicolas <Nicolas.Welch@seattle.gov>; Carol <carol@aramburu-eustis.com>  
**Subject:** RE: QACC Supplemental Records Response

**Good Afternoon Jason;**

I just left you a message on each of your voicemails asking for your return call ASAP. Pursuant to your 10:25am email this morning acknowledging that you would have disks ready at 4:30pm this afternoon, we have made arrangements per your promise to retrieve the them at 4:30pm today.

Apparently you have just discovered the need to further review some emails, however we will there per our agreement to retrieve the disks at 4:30, presumably shy a few emails. We expect that these missing emails will be reviewed and the delivery record complete by Tuesday 20 September 2016 and look forward to the City's compliance and final delivery of the remaining correspondence per our original request.

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We expect that you will fulfill your obligation and ask that you describe for us the exact reason and circumstance for your surprise reversal of delivery promise between 10:25am this morning and 1:40pm this afternoon.

Thank you Jason,  
Martin Kaplan

■  
Martin Henry Kaplan, Architects AIA  
Seattle Office  
360 Highland Drive, Seattle WA 98109  
T.206.682.8600 F.206.284.4400  
Sun Valley Idaho Office  
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**From:** Carol [<mailto:carol@aramburu-eustis.com>]  
**Sent:** Friday, September 16, 2016 2:49 PM  
**To:** 'Kelly, Jason W'  
**Cc:** 'Jeff Eustis'; Martin Henry Kaplan; 'Wentlandt, Geoffrey'; 'Welch, Nicolas'  
**Subject:** RE: QACC Supplemental Records Response

Mr. Eustis and his client have waited an additional three weeks for these materials; since they were promised for today should they not have already been under attorney review?

We would appreciate your provision today of any materials which do not require review by the attorney and we will look forward to prompt provision of those the attorney must review. I believe Mr. Kaplan is already prepared to be there at 4:30 as per your earlier email.

Carol Cohoe, Secretary  
ARAMBURU & EUSTIS, LLP  
206-625-9515

PACIFIC BUILDING GARAGE: The garage elevator will be updated during Summer 2016 and thus will be UNAVAILABLE. If you will be parking in our building please be prepared to use the stairs, there will be no ADA access between garage and lobby. (ADA parking is available in other nearby locations.) Start Date: Tuesday, July 5, 2016.

**From:** Kelly, Jason W [<mailto:Jason.W.Kelly@Seattle.Gov>]  
**Sent:** Friday, September 16, 2016 1:40 PM  
**To:** Carol  
**Cc:** 'Jeff Eustis'; Kaplan, Martin; Wentlandt, Geoffrey; Welch, Nicolas  
**Subject:** RE: QACC Supplemental Records Response

In reviewing the emails, it is clear that there are many that will require further review to ensure they are not covered by public disclosure exemptions. We will not be able to provide an installment today.

**From:** Kelly, Jason W  
**Sent:** Friday, September 16, 2016 10:25 AM  
**To:** 'Carol' <[carol@aramburu-eustis.com](mailto:carol@aramburu-eustis.com)>  
**Cc:** 'Jeff Eustis' <[eustis@aramburu-eustis.com](mailto:eustis@aramburu-eustis.com)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>;

Wentlandt, Geoffrey <[Geoffrey.Wentlandt@seattle.gov](mailto:Geoffrey.Wentlandt@seattle.gov)>; Welch, Nicolas <[Nicolas.Welch@seattle.gov](mailto:Nicolas.Welch@seattle.gov)>  
**Subject:** RE: QACC Supplemental Records Response

There are more than 2000 emails that are responsive to your request. We will produce a CD or CDs that will be available for pickup at 4:30 this afternoon at the 19<sup>th</sup> floor of the Seattle Municipal Tower.

**From:** Carol [<mailto:carol@aramburu-eustis.com>]  
**Sent:** Friday, September 16, 2016 10:18 AM  
**To:** Kelly, Jason W <[Jason.W.Kelly@Seattle.Gov](mailto:Jason.W.Kelly@Seattle.Gov)>  
**Cc:** 'Jeff Eustis' <[eustis@aramburu-eustis.com](mailto:eustis@aramburu-eustis.com)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>;  
Wentlandt, Geoffrey <[Geoffrey.Wentlandt@seattle.gov](mailto:Geoffrey.Wentlandt@seattle.gov)>; Welch, Nicolas <[Nicolas.Welch@seattle.gov](mailto:Nicolas.Welch@seattle.gov)>  
**Subject:** RE: QACC Supplemental Records Response

Mr. Kelly,

I want to emphasize that we would like to receive the correspondence today as promised. Will you be producing by email or ftp, or should we arrange a time to pick up the materials?

Carol  
ARAMBURU & EUSTIS, LLP

Original request: July 8, 2016 (9:58 am) by Jeffrey Eustis.  
Requested material: Documents related to ADU/HALA legislation.  
Original estimate for production August 5, 2016. Disks provided: August 9, 2016.  
CORRESPONDENCE not provided in original production; per [conversations] between Mr. Kelly and Mr. Eustis, correspondence including email (all departments, including mayor, council, staff) to be delivered BY 9/16/16.

**From:** Carol [<mailto:carol@aramburu-eustis.com>]  
**Sent:** Tuesday, September 13, 2016 11:09 AM  
**To:** 'Kelly, Jason W'  
**Cc:** 'Jeff Eustis'; 'Kaplan, Martin'; 'Wentlandt, Geoffrey'; 'Welch, Nicolas'  
**Subject:** RE: QACC Supplemental Records Response

If possible, we'd like to receive via email or FTP download.  
Also, depending on the format you use to produce email, we may need instructions for how to search and for how to view the attachments to individual emails.

Carol Cohoe, Secretary  
ARAMBURU & EUSTIS, LLP  
206-625-9515

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**From:** Kelly, Jason W [<mailto:Jason.W.Kelly@Seattle.Gov>]  
**Sent:** Tuesday, September 13, 2016 10:14 AM

**To:** Carol  
**Cc:** Jeff Eustis; Kaplan, Martin; Wentlandt, Geoffrey; Welch, Nicolas  
**Subject:** RE: QACC Supplemental Records Response

We are still compiling and reviewing records. How we provide them to you will depend in part on the total number of records that are responsive to your request. All other things being equal, do you have a preference?

**From:** Carol [<mailto:carol@aramburu-eustis.com>]  
**Sent:** Monday, September 12, 2016 6:26 PM  
**To:** Kelly, Jason W <[Jason.W.Kelly@Seattle.Gov](mailto:Jason.W.Kelly@Seattle.Gov)>  
**Cc:** Jeff Eustis <[eustis@aramburu-eustis.com](mailto:eustis@aramburu-eustis.com)>; Kaplan, Martin <[mhk@martinhenrykaplan.com](mailto:mhk@martinhenrykaplan.com)>;  
Wentlandt, Geoffrey <[Geoffrey.Wentlandt@seattle.gov](mailto:Geoffrey.Wentlandt@seattle.gov)>; Welch, Nicolas <[Nicolas.Welch@seattle.gov](mailto:Nicolas.Welch@seattle.gov)>  
**Subject:** QACC Supplemental Records Response

Mr. Kelly, We are writing regarding the correspondence (including email) that you have committed to producing by September 16. Could you please advise by what medium you will produce the materials?

Carol Cohoe, Secretary  
ARAMBURU & EUSTIS, LLP  
720 Third Avenue, SUITE 2000  
Seattle, WA 98104  
(206) 625-9515

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