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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In re: Appeal by

FREMONT NEIGHBORHOOD COUNCIL (No. W-17-014),
Sub Nom
**WALLINGFORD COMMUNITY COUNCIL,
No. W-17-006**

of the City of Seattle Citywide Implementation of
Mandatory Housing Affordability (MHA) Final
Environmental Impact Statement.

Hearing Examiner Consolidated File:
W-17-006 through
W-17-014

**Fremont Neighborhood Council Final
Witness and Exhibit List**

TO: Respondent City of Seattle and to its Seattle Office of Planning and Community Development
(hereafter referred to as OPCD) and its Attorneys,

AND TO: Appellants' Authorized Representatives listed on the accompanying Certificate of Service.

I. INTRODUCTION

FNC is not adding or removing witnesses; the “Witnesses” section below remains largely the same
as in the First Amended Preliminary Witness List except:

1. Gordon Lagerquist, listed as an expert, will be called as a fact witness.
2. Daryl Grothaus and Tim Motzer have been removed.
3. Sharon Lee is changed to “may be called.”
4. A number of the listed experts will be called by other appellants, primarily SCALE; FNC will

not call them separately.

1 **II. WITNESSES**

2 FNC reserves the right (a) to call any witness identified by any party, (b) to use any of the
3 documents identified by any other party, (c) to call substitute witnesses if any identified witness
4 becomes unavailable, (d) to call rebuttal witnesses, (e) to call additional witnesses as allowed by
5 Seattle Hearing Examiner Rules, and (f) to supplement this preliminary witness and document list as
6 new or more information becomes available.

7 Regarding the time period for each witness's testimony per Hearing Examiner's Order: The
8 approximate time periods for each witness's direct testimony is indicated at the end of each witness,
9 and does not include time to authenticate documents, argument about the admissibility of documents
10 if the City will not stipulate to admission of the document(s), nor time for cross examination and re-
11 direct testimony.

11 **A. Expert Witnessess**

12 1. Peter Steinbrueck, Steinbrueck Urban Strategies. Mr. Steinbrueck will testify as an expert
13 witness about lack of adequate granularity in the City's proposed action and the EIS assessment of
14 impacts. He will also testify about the history of neighborhood planning and comprehensive planning
15 to the extent that it is relevant to the MHA proposal and the inadequacy of the MHA EIS disclosure
16 and analysis of land use impacts. Estimated Time: 45 minutes.

17 2. Jeffrey J. Richardson, University of Washington School of Environmental and Forest Sciences
18 Post-Doctoral Researcher. Dr. Richardson is a remote sensing and tree canopy assessment expert, and
19 will testify regarding the City's tree canopy assessments. Estimated Time: 45 minutes.

20 3. Michael Oxman, Mr. Oxman is a licensed arborist and will testify as an expert witness
21 regarding the City's past history of and future ability to mitigate for impacts on trees and tree canopy.
22 Mr. Oxman's Curriculum Vitae is included in Appellant's exhibit list. Estimated Time: 30 minutes.

1 4. David P. Levitus, Executive Director of LA Forward, a low income housing advocacy NGO.
2 (www.loasangelesforward.org / <https://www.linkedin.com/in/david-levitus-bba6b127/>). Dr. Levitus is
3 an accomplished research and strategy consultant with degrees from USC (Ph.D, History), and New
4 York University (B.A., History and Economics). In addition to founding LA Forward, he co-founded
5 Ciudad Consulting. For almost 3 years, he directed the affordable housing/transit-oriented
6 development campaign of LA Voice, playing a key role in strategy and execution for the ACT-LA
7 coalition's advocacy and policy work. Dr. Levitus may be called to testify on the adequacy of the
8 FEIS, the available alternatives for affordable housing policies and programs that have been
9 implemented elsewhere, and the sufficiency of City's analysis of the proposal and its stated objectives
10 and goals. Estimated Time: 2 hours.

11 5. William Reid, real estate development economist, will testify concerning the EIS's assessment
12 of economic impacts of the proposed action, including displacement. Estimated Time: 90 minutes.

13 6. Sharon Lee, may testify regarding the EIS analyses of displacement and related aspects of
14 housing and development. Estimated Time: 1 hour.

15 7. David Sherrard, planner, will testify regarding the adequacy of the EIS's framing of the action,
16 development of alternatives, analyses of impacts, and adequacy of mitigation. Estimated Time: 90
17 minutes.

18 8. Rick McLaughlin, entrepreneur and small business owner, will testify regarding the adequacy
19 of the EIS analysis of impacts on small business and neighborhood commercial districts. Estimated
20 Time: 45 minutes.

21 **B. Fact Witnesses**

22 1. Steve Zemke. Mr. Zemke resides in the City of Seattle and serves on the City's Urban Forestry
23 Commission. He will testify concerning the City's history of policies and ordinances regarding

1 conservation of trees and tree canopy, and the City's process for updating those policies and
2 ordinances. Estimated Time: 30 minutes.

3 2. Erik Pihl, a resident of Fremont, will testify concerning the land use, economic, and quality of
4 life impacts from development. Estimated Time: 15 minutes.

5 3. Linda Clifton, a resident of Fremont, will testify concerning the land use, economic, and
6 quality of life impacts from development. Estimated Time: 15 minutes.

7 4. Toby Thaler, has been a resident of Fremont since 1972, is currently president of the Fremont
8 Neighborhood Council, and has been active in land use and related governance issues in Fremont and
9 Seattle for many years. He served on the Seattle Neighborhood Planning Advisory Committee (2009-
10 10), and served on the HALA MHA Focus Group (2016). Mr. Thaler will testify regarding the City's
11 neighborhood planning and related policy decision making, and regarding the impacts of development
12 on the Fremont community and how these have and have not been assessed and/or mitigated.
13 Estimated Time: 30 minutes.

14 5. Miranda Berner, president of the Wallingford Community Council, will testify regarding City
15 engagement and impacts on her neighborhood (including East Fremont in the Wallingford UV).
16 Estimated Time: 30 minutes.

17 6. Jennifer Brailey, resident of Wallingford/East Fremont, will testify concerning likely impacts
18 of the City's action on her neighborhood. Estimated Time: 30 minutes.

19 7. Tawny Bates, resident of Wallingford/East Fremont, will testify concerning likely impacts of
20 the City's action on her neighborhood. Estimated Time: 30 minutes.

21 8. Gordon Lagerquist, architect with extensive experience designing single and multi-family
22 housing and commercial projects in Seattle, and participating in historic building conservation and
23

1 design review systems development and project specific review. He will testify concerning land use
2 impacts in Fremont. Estimated Time: 45 minutes.

3 **C. City Employees**

4 FNC may examine a number of City employees, as the course of testimony at hearing proceeds. At
5 this time, we believe the following current City employees may be requested by FNC to be produced
6 for examination:

7 Samuel Assefa

8 Geoffrey Wendtlandt

9 Tom Hauger

10 Nicolas Welch

11 Kathy Nyland

12 Jesseca Brand

13 John G. Shaw

14 Viet Shelton

15 Leslie Price

16 Robert Feldstein

17 Steve Walker

18 Laura Hewitt Walker

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III. EXHIBITS

Documents from draft list:

1. Gentrification, Displacement and the Role of Public Investment: A Literature Review, Miriam Zuk et al., University of California, Berkeley 2015
2. Housing Production, Filtering And Displacement: Untangling The Relationships, Zuk and Chapple, Institute Of Governmental Studies, University Of California, Berkeley, 2016
3. Seattle's Central District, 1990-2006: Integration or Displacement, Henry W. McGee, Jr., Urban Lawyer, Vol. 39, p. 2, Spring 2007
4. "Confronting The "G Word" In Columbia City," South Seattle Emerald, July 11, 2015
5. "Riding the gentrification wave in South Seattle," Joshua McNichols, KUOW.org, August 22, 2016
6. "Red Apple, at heart of black Seattle, likely to close, making way for Vulcan," Joshua McNichols, KUOW.org, August 15, 2016
7. "How Columbia City (and Seattle) became richer and whiter," Outside City Hall, George Howland, Jr., January 24, 2018
8. "An epic battle against gentrification: As the legacy of Black homeownership fades in Seattle's Central District, one family fights to hold on," Naomi Ishisaka, Crosscut, April 2, 2018
9. "Addressing Displacement in the New York Metro Region Requires New Strategies," Oksana Mironova, NextCity.org, January 31, 2018
10. "The East New York Rezoning, One Year Later," Samar Khurshid, GothamGazette.com, March 23, 2017
11. City of Seattle maps showing proposed up-zone and zoning to the Fremont neighborhood

1 including the Fremont Hub Urban Village, the portion of the Wallingford UV west of Stone Way, and
2 those portions of Fremont outside both UVs south of N. 50th St, west of Stone Way, and east of 8th
3 Ave. NW.

4 12. Fremont Neighborhood Plan, 1999.

5 13. Fremont Neighborhood Plan Approval and Adoption Matrix with City responses, September
6 29, 1999.

7 14. Neighborhood Planning Advisory Committee, Validation Subcommittee Report (12/1/09)
8 (Including Neighborhood Planning Office “Phase II Guidelines for Validation,” and NPO “Phase II
9 Guidelines for Public Involvement Checklist,” both December 1996.)

10 15. Neighborhood Planning Advisory Committee, Neighborhood Plan Updates Subcommittee
11 Report (12/15/09)

12 16. Introduction to Neighborhood Planning, Seattle Planning Commission, October 2009

13 17. Documents produced from Public records request: C024436-022718 “A series of documents
14 concerning the HALA/MHA and Comprehensive Plan event hosted by OPCD at Hale's Palladium on
15 October 26, 2017...” (not available as of deadline for this document)

16 18. Briefing Memo - Impact Fees 2015-03-31.docx (City production no. COS0073465)

17 19. Impact Fee Park Calculation Memo FINAL.docx (City production no. COS0073488)

18 20. Briefing Memo - Impact Fees 2017-03-13.docx (City production no. COS0073471)

19 21. 141092_Open Space Nexus_Final_2015_10_27.pdf (City production no. COS0073510)

20 22. 3-7_OS_Rec_MHA_DEIS_2017_Only 2017 Development Plan.docx (City production no.
21 COS0073420)

22 23. SEPA DNS for Ordinance 123495 dated April 22, 2010.

1 24. Checklist dated April 5, 2010 amending checklist dated June 30, 2008 supporting the DNS for
2 Ordinance 123495.

3 25. Selected maps accompanying Ordinance 123495 showing
4 (http://clerk.seattle.gov/~archives/Ordinances/Ord_123495.pdf)

5 26. Documents brought to hearing by City witnesses in response to request in lieu of subpoena
6 duces tecum.

7 27. Historical Survey and Planning Study of Fremont's Commerical Area, Carol Tobin, 1991.

8 28. Historic Resources Survey Report: Fremont Neighborhood Residential Buildings, Katheryn H.
9 Kraft, 2010.

10 29. Investing in Democracy, Chapter 3, Neighborhood Empowerment and Planning: Seattle,
11 Washington, Carmen Sirianni, 2009.

12 30. City Answers to Interrogatories propounded to the City by any party.

13 31. Documents produced in response to Requests for Production propounded to the City by any
14 party. Specific documents will be identified prior to the deadline for final submittal and service.

15 32. Survey of trees in East Fremont being prepared by residents under the guidance of Michael
16 Oxman.

17 33. Resumes or CVs of the experts listed above.

18 Additions as of final deadline (duplicates from draft are not removed in order to meet deadline):

19

No.	Name/Identity (City Production Number, if known)
20	
21	1 2017 City of Seattle and Seattle Housing Authority Joint Assessment of Fair Housing
22	2 SEPA Checklist for MUP 3024625
	3 Decision and Recommendation for MUP 3024625
23	4 September 2017 Plan Set for MUP 3024625
	5 "Tree Aerial" filing for MUP 3024625

1	6	April 21, 2010 SEPA Checklist for "Multifamily Code Update –Amendments to update lowrise zones"
2	7	April 22, 2010 SEPA Determination of Non-Significance for "changes to provisions for lowrise multifamily zones"
3	8	East Fremont Tree Canopy Series (a powerpoint, file name "StoneMidvale45th43rd")
4	9	Bridge Way Tree Series (pdf, file name "5June2018BridgeWayWoodlandParkAveTreeLoss.pdf")
5	10	Tree Regulations Research Project – Phase II Final Findings and Recommendations
6	11	Tree Regulations Research Project Phase II Final Report March 31, 2017
7	12	Map published in Seattle Times on May 9, 2018, showing the extent of proposed upzoning throughout the City
8	13	Fremont Neighborhood Plan (1999)
9	14	Fremont Plan, Approval and Adoption Matrix (1999)
10	15	Historic Resources Survey Report: Fremont Neighborhood Residential Buildings (2010)
11	16	Nyberg and Steinbrueck Inventory of Fremont Buildings and Urban Design Resources
12	17	COS0001507.pdf
13	18	COS0001973.pdf
14	19	COS0002981.pdf
15	20	COS0004001.pdf
16	21	COS0031868.pdf
17	22	COS0031871.pdf
18	23	COS0031913.pdf
19	24	COS0031915.pdf
20	25	COS0032199.pdf
21	26	COS0032295.pdf
22	27	COS0032299.pdf
23	28	COS0032633.pdf
	29	COS0032734.pdf
	30	COS0032754.pdf
	31	COS0032922.pdf
	32	COS0032951.pdf
	33	COS0033564.pdf
	34	COS0033720.pdf
	35	COS0033723.pdf
	36	COS0033725.pdf
	37	COS0033796.pdf
	38	COS0034510.pdf
	39	COS0034779.pdf
	40	COS0035064.pdf
	41	COS0035074.pdf
	42	COS0035082.pdf

1	43	COS0035084.pdf
	44	COS0035087.pdf
2	45	COS0035095.pdf
	46	COS0035104.pdf
3	47	COS0035117.pdf
	48	COS0035128.pdf
4	49	COS0035139.pdf
	50	COS0035152.pdf
5	51	COS0035173.pdf
	52	COS0035194.pdf
6	53	COS0035196.pdf
	54	COS0073510.pdf
7	55	COS0073541.pdf
	56	COS0073549.pdf
8	57	COS0073775.pdf
	58	COS0073795.pdf
9	59	COS0079596.pdf
10	60	COS0079598.pdf
	61	COS0079602.pdf
11	62	COS0079614.pdf
	63	COS0079662.pdf
12	64	COS0079666.pdf
	65	COS0079668.pdf
13	66	COS0079767.pdf
	67	COS0079821.pdf
14	68	COS0080461.xlsx
	69	COS0080475.pdf
15	70	COS0080535.xlsx
	71	COS0117360.pdf
16	72	COS0117482.pdf
	73	COS0117557.pdf
17	74	COS0117579.pdf
	75	COS0117587.pdf
18	76	COS0117823.pdf
	77	Any document listed by another party in this Consolidated Proceeding, No. W-17-006
19	78	Portions of FNC Discovery documents with City Responses
	79	Any document attached to a motion in this proceeding
20	80	Any document attached to a deposition taken in the course of this proceeding
	81	Documents used for impeachment or in rebuttal at hearing, to be identified and as determined at hearing

1 DATED this 14th day of June, 2018.

2
3 FREMONT NEIGHBORHOOD COUNCIL

4 

5 By _____
6 Toby Thaler, WSBA 8318

7 **Declaration of Service**

8 Toby Thaler declares:

9 That on the 14th day of April, 2018, I e-filed with the Hearing Examiner and delivered by
10 email as allowed by the Second Pre-hearing Order of February 16, 2018, Appellant FNC's
11 Preliminary Witness and Exhibit List to the City of Seattle and to counsel for the City of Seattle at the
12 following email addresses:

13 Geoffrey Wentlandt <Geoffrey.wentlandt@seattle.gov>
<MHA@seattle.gov>
14 Jeff Weber <jeff.weber@seattle.gov>
Daniel B. Mitchell <daniel.mitchell@seattle.gov>
15 Alicia Reise <alicia.reise@seattle.gov> (courtesy copy)
Tadas A. Kisielius <tak@vnf.com>
16 Dale Johnson <dnj@vnf.com>
Clara Park <cpark@vnf.com>
17 Cara Tomlinson <ctomlinson@vnf.com> (courtesy copy)

18 Copies were sent to co-appellants at the following email addresses:

19 Wallingford Community Council (W-17-006): Lee Raaen <lee@lraaen.com>
Morgan Community Association (W-17-007): Deb Barker <djb124@earthlink.net>
20 Friends of Ravenna Cowen (W-17-008): Judith Bendich <jebendich@comcast.net>
West Seattle Junction Neighborhood Organization (W-17-009): Rich Koehler
21 <rkoehler@cool-studio.net>
Seattle Coalition for Affordability, Livability, and Equity (W-17-010): Claudia Newman
22 <newman@bnd-law.com>

23 Seniors United for Neighborhoods (W-17-011): David Ward <booksgalore22@gmail.com>
Beacon Hill Council (W-17-012): Mira Latoszek <mira.latoszek@gmail.com>

1 Friends of North Rainier Neighborhood Plan (W-17-013): Marla Steinhoff
<masteinhoff@gmail.com>

2
3 I declare under penalty of perjury under the laws of the state of Washington that the foregoing
4 information is true and correct.

5 DATED this 14th day of April, 2018, at Seattle, Washington.

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7 Toby Thaler [electronic signature]
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