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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of)	Hearing Examiner File:
)	W-17-006 through
WALLINGFORD COMMUNITY)	W-17-014
COUNCIL, ET AL.)	
)	
Of Adequacy of FEIS Issued by the)	
Director, Office of Planning and)	
Community Development)	
)	

FRIENDS OF RAVENNA-COWEN

TRANSCRIPT EXCERPTS OF SPENCER HOWARD

1 previously submitted two exhibits which were marked as
 2 Exhibits 21 and 22. I'll give the Examiner a minute to get
 3 those. And that -- I think you testified that these two
 4 exhibits basically involve a comparison of information from
 5 two different data sets. Can you explain to the Examiner
 6 what you were comparing on these two exhibits?
 7 A. Right, they did -- we pulled in available public GIS
 8 information on historic properties. So we pulled in City of
 9 Seattle landmark, City of Seattle historic districts, listed
 10 national register, Washington Heritage Register of
 11 properties, both individual and districts. And we pulled in
 12 surveyor eligibility recommendations for department of
 13 archeology and historic preservation determination of
 14 eligibility recommendations for properties and we --
 15 **Q. So that was sort of the historic resource data?**
 16 A. That was the historic resource data.
 17 **Q. That was one-half of the comparison?**
 18 A. It was. And then we had the excel data set from the City
 19 where they were looking at the development capacity on a
 20 parcel by parcel basis. And this was just --
 21 **Q. As a result of the MHA proposal?**
 22 A. As a result of the MHA proposal. This was used for -- to
 23 evaluate potential displacement. We found it was also
 24 helpful for looking at potential impacts to historic
 25 properties. So we used this --

1 classifications?
 2 A. It was, yes. And both of those exhibits are static maps
 3 just exported out as a PDF, but in GIS, in the software, you
 4 can zoom in to look at the individual parcel level, you can
 5 pan out to look at an urban village level. You have a lot
 6 of flexibility in the scale of what you're looking at. And
 7 now you work with the data to understand where potential
 8 impacts might be.
 9 **Q. All right. So in fact in looking at Exhibit 21, did you**
 10 **have the insets there to examples where you zoomed in on**
 11 **specific neighborhoods?**
 12 A. We did. The two ones that were for us really telling was
 13 the one on the bottom that has the red color coded
 14 properties in Exhibit 21 and Exhibit 22. And this is Morgan
 15 Junction over in West Seattle. So these are areas under the
 16 floor area ratio where they would have some of the highest
 17 development, redevelopment potential. And the buildings in
 18 that area are predominantly single story brick commercial
 19 buildings. They haven't been inventoried, there's been no
 20 determination of eligibility, but there they would be under
 21 intense development pressure as part of the policy changes.
 22 The other area is the inset that's on the middle upper
 23 left hand side of the page. And this shows an area along
 24 the east shore of Lake Union. And there's a row of yellow
 25 color coded properties right along Interstate 5, and there's

1 **Q. So when you say it was used to evaluate displacement, you're**
 2 **talking about the City used it for that purpose?**
 3 A. Yes, the City used it for that purpose.
 4 **Q. And then you used it for a different purpose?**
 5 A. Yes. We used it for comparing with historic properties,
 6 both listed and determine eligible properties and properties
 7 that are in the City of Seattle's historic resource
 8 database. So the zoning piers M, M1, M2, we were able to
 9 compare those with the historic properties.
 10 And then we also looked at the delta between the floor
 11 area ratio of the existing land use and the proposed under
 12 the MHA. And so that allowed us to understand areas where
 13 there would be a high redevelopment potential. And then we
 14 could compare those with what the available data was on
 15 historic properties in those areas. In those exhibits
 16 there's two good examples of this.
 17 **Q. Hold on before you go on. Just to remind. So Exhibit 21,**
 18 **which was your figure 2.**
 19 A. Yes.
 20 **Q. That's where you did the analysis -- where you did the**
 21 **comparison between the historic resource data and the**
 22 **changes in FAR?**
 23 A. Yes.
 24 **Q. And the following Exhibit 22 was where you did the**
 25 **comparison between the historic resource data and the M1, M2**

1 a series of red dots over them. So the yellow color coding
 2 is an intermediate redevelopment threshold level. And the
 3 red dots are properties, there's at least seven of them, for
 4 which the state department of archeology and historic
 5 preservation have made formal determinations of eligibility
 6 for individual national register listing of those
 7 properties.
 8 So it was examples like those two where you can quickly
 9 see where the proposed changes and even filter out areas of
 10 high intensity for potential redevelopment and compare that
 11 with the available data on historic properties. Understand
 12 if you're going to be placing properties that have
 13 potential -- historic potential under high development
 14 pressure. And so it was -- it's an effective planning tool.
 15 **Q. And I guess the question is in terms of this being too big**
 16 **of an effort for the programatic EIS, can you tell the**
 17 **Examiner how long it took you to create this map?**
 18 A. It took us a little over 40 hours to prepare it. And that
 19 included downloading the data from the public portals, being
 20 able to load it into and build the database and then running
 21 our analysis on it, being able to pull in the City's excel
 22 data on the redevelopment potential and being able to create
 23 the maps that were turned into the exhibits doing all the
 24 topography and symbology on those and then making some
 25 revision on that as well. So it generally went pretty fast.

1 **Q. And you've prepared other EISs for the City, right, or the**
 2 **historic resource sections of them?**
 3 A. We did for the U District EIS.
 4 **Q. Are you aware from that prior work or from your review of**
 5 **the City's work on this EIS why the City -- is there**
 6 **anything blocking the City from doing something that you did**
 7 **in that 40 hours time?**
 8 A. No, not that I'm aware of. No, that data is all publicly
 9 available. The only data set that took a little bit more
 10 time was the surveyor eligibility recommendations from the
 11 state department of archeology and historic preservation.
 12 For that one I actually had to call the department of
 13 archeology and historic preservation, the GIS analyst and
 14 ask her if she was -- she could just export us a copy. She
 15 exported out the whole database and sent it over to us. And
 16 so then we worked through that. But that was the most
 17 complicated part of it. Otherwise, everything else was on
 18 publicly accessible websites and already available and
 19 database -- databases were shape layer file format. So it
 20 was very easy.
 21 **Q. Okay. There was testimony here in the last -- yesterday, I**
 22 **guess, about yet another way to identify redevelopment**
 23 **potential. And that is that there was testimony that the**
 24 **City has database where it's compared the amount of existing**
 25 **development on a given parcel, parcel by parcel in the study**

1 **City witnesses that it was unreliable to use certain**
 2 **database information on historic resources because the data**
 3 **was more than five years old. Do you have a response to**
 4 **that testimony?**
 5 A. The -- so for the U District programatic EIS, we used survey
 6 data from 2002 I believe. And that EIS was done in 2014.
 7 So it was 12-year old data at the time. I think it -- for
 8 us it ends up being a difference between a programatic and a
 9 project-based EIS. But the programatic using the -- all of
 10 the available data sets is key to be able to at least
 11 understand the probability of their being potential historic
 12 resources in the areas that are going to be affected by the
 13 land use changes or whatever the policy changes are
 14 happening as part of that programatic EIS. I think the data
 15 degrades over time, but it's not that substantial to where
 16 form data that's five years of age or older is being excised
 17 from the database by the City, it's kept in there.
 18 The state department of archeology and historic
 19 preservation, when they created their online database
 20 WISAARD, they went back through their legacy records from
 21 the '70s and the '80s. And they actively scanned in those
 22 records and then pushed them into GIS and located them
 23 because that data they felt was relevant as a planning tool.
 24 And I think I would feel the same in approaching a
 25 programatic EIS that the more information that you can have

1 **area with the amount of development allowed under the MHA**
 2 **proposal and the greater the difference between what's there**
 3 **now and what's allowed, the greater the redevelopment**
 4 **potential. Are you aware now as of today that such a**
 5 **database also exists?**
 6 A. I am.
 7 **Q. And have you had a chance today to review that?**
 8 A. I looked at the excel files for that.
 9 **Q. And would it be -- would you be able to do yet one more map**
 10 **of the type you've done here in terms of comparing the**
 11 **historic resource information with that measure of**
 12 **redevelopment risk?**
 13 A. Absolutely. The excel files, the parcel number for all the
 14 properties in there. So with the parcel number, you can
 15 join it to the parcel base layer and you could run the model
 16 with all the data in GIS and be able to project it, so, yes.
 17 **Q. How would you characterize the difficulty or amount of time**
 18 **involved in that exercise?**
 19 A. It would probably take a couple hours to just pick the data,
 20 get it linked up, get it up and running. And then it would
 21 be pretty easy to then figure out what you wanted to do for
 22 your analysis and be able to run that.
 23 **Q. So four, five hours in all?**
 24 A. Probably.
 25 **Q. All right. There was testimony from city -- from one or two**

1 that's available there, the better it helps you understand
 2 when you're looking at the potential impacts decisions might
 3 have for what the implications and the affects of those
 4 decisions could be.
 5 **Q. You mentioned that you used 12-year old data when you**
 6 **prepared for the City of Seattle, the historic resource**
 7 **section of the U District EIS. I don't remember what our**
 8 **number this is, but here is a copy for you. I'm handing you**
 9 **what is about to be marked as exhibit?**
 10 THE COURT: 304.
 11 (Exhibit No. 304 marked for identification)
 12 **Q. (By Mr. Bricklin) 304. You might want to write that in the**
 13 **corner there if you get a chance. Is this the historic**
 14 **resources section of the draft EIS that you prepared for the**
 15 **U District?**
 16 A. It is, yes.
 17 **Q. All right. And is there in here an example you can point to**
 18 **where you use that 12-year data to -- first of all, this was**
 19 **a programatic EIS too, right?**
 20 A. Yes.
 21 **Q. And can you point the Examiner to where in there you use the**
 22 **12-year old data to help readers understand the impact of**
 23 **the proposal on historic resources?**
 24 A. It's on page 3.4-14, figure 3.4-34 property status. And so
 25 the white dots are properties that were inventoried in 2002.

1 And from that inventory data, the black triangles are the
2 properties that were recommended by surveyors in 2002 as
3 potentially City of Seattle landmark eligible properties.
4 So we included all of that in there.

5 What's difficult to see on this map is that we overlaid
6 the -- we overlaid the data set on the proposed land use and
7 zoning changes for this EIS so we could understand if there
8 was a substantial upzone, you know, what are the property
9 types and the existing properties within that area. We also
10 identified character properties along University Avenue.
11 And that actually -- those figures on page 3.4-18, figure
12 3.4-4 and then on the next page, 3.4-5, those have the
13 proposed -- the overlays of the alternatives considered
14 under the programmatic EIS.

15 MR. BRICKLIN: We'd move the admission of Exhibit 304,
16 Your Honor.

17 THE COURT: Any objection to 304?

18 MR. JOHNSON: No objection provided it hasn't already been
19 admitted.

20 MR. BRICKLIN: The final was in, but not the draft.

21 MR. JOHNSON: Okay, no objection.

22 THE COURT: 304 is admitted.

23 (Exhibit No. 304 admitted into evidence)

24 **Q. (By Mr. Bricklin) There was also some testimony from City**
25 **witnesses that -- and maybe you've already addressed this**

1 those into the GIS, in the areas like the Mount Baker, Mount
2 Rainier area where there is a high level of available
3 property, information on properties in WISAARD. For those
4 areas, you can then zoom in and use the available data to
5 help better guide decision making. In areas where it's not
6 there, you probably just wish that it was there.

7 **Q. Right. And I want you to assume there was also testimony**
8 **from the City that the reason they didn't use the data that**
9 **was available either from WISAARD or from their own**
10 **inventories of certain neighborhoods was because they**
11 **wanted, if you will, a level playing field between the urban**
12 **villages. And to that end, they made reference to what's**
13 **been introduced as Exhibit 234.**

14 A. Yeah, that's --

15 **Q. And just hold on a second while the Examiner makes reference**
16 **to it?**

17 THE COURT: Go ahead.

18 **Q. (By Mr. Bricklin) And I want you to assume the City witness**
19 **testified that this demonstrated -- this was an illustration**
20 **of her testimony that there was more information available**
21 **in the South Park area and less information, less inventory**
22 **having been done in Westwood Highland Park. And a reader of**
23 **an EIS, if they saw a map like this, they might draw the**
24 **wrong conclusion that there were a lot of historic resources**
25 **in South Park, there were very few in Westwood, when it was**

1 **that the date in the State's WISAARD, W-I-S-A-A-R-D,**
2 **acronym, website or database was maybe not up to date or**
3 **degraded in your words by sitting there over time. Is**
4 **there -- is that a reason not to use that data?**

5 A. The -- no, the data in WISAARD is certainly -- it -- for the
6 City of Seattle, since the City maintains it's own historic
7 resource survey inventory, a lot of properties that are
8 surveyed with the City of Seattle projects aren't always
9 uploaded into the state database. But projects that are
10 done for regulatory compliance for section 106, section 4F
11 for executive order 0505, those are uploaded, salto
12 (phonetic) reviews, HUD reviews.

13 And then there was some properties surveyed and
14 inventoried we did for the City of Seattle in the Mount
15 Baker, Rainier valley areas that we uploaded into the state
16 database. So there is -- I guess the baseline is there is
17 data there as a planning tool, it's relevant as available
18 data, it helps with being able to understand and predict
19 potential impacts and to gauge what exists in these areas --

20 **Q. And is that true even though the date in there is sort of**
21 **opportunistic, if you will, it's not the result of a**
22 **city-wide inventory, but just where there happened to be**
23 **certain projects that did inventories and those projects**
24 **generate data?**

25 A. It is. And that's something where -- especially bringing

1 **really just the result that inventories had been done in one**
2 **and not the other. Do you have a comment on the wisdom or**
3 **appropriateness of discarding the South Park data for that**
4 **reason?**

5 A. I think this map is probably the best poster child for doing
6 survey and inventory work for the City for any municipality.
7 I think with South Park you have information to help refine
8 and guide decision making on where boundaries occur for land
9 use and zoning changes. In Westwood Highland Park, you
10 don't have that available information through the
11 inventoried properties. The other data set that is publicly
12 available for both of these properties and for the entire
13 City is the King County assessor estimated date of
14 construction data set. So you can -- using that layer for
15 both of these areas, you'd be able to see an estimation of
16 when properties in those areas were built. So you could
17 look quickly at Westwood Highland Park and understand if
18 it's a 1990 subdivision or if it's a concentration of 1920s
19 properties. It's information that helps to inform that
20 decision making at that policy level that -- it just helps
21 with transparency.

22 **Q. So the last part of your testimony was there were other data**
23 **sources that the City might have been able to use to fill in**
24 **the gaps. But even if you were able to limit yourself or**
25 **even if the city limited itself to it's own database, which**