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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of	)	Hearing Examiner File:
	)	<b>W-17-006 through</b>
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 RICHARD WEINMAN

1 **Q. Incentive zoning?**  
 2 A. Incentive zoning.  
 3 **Q. Now, why do you believe that incentive zoning would not**  
 4 **attain the -- or approximate the objectives of the proposal?**  
 5 A. Of course, I don't believe that the City believes that it  
 6 would generate the same number of affordable units.  
 7 **Q. Do the proposal's objectives -- all right. So you don't**  
 8 **have an independent belief that that alternative is not**  
 9 **reasonable. You're simply challenging the City's statement**  
 10 **that they don't think incentive zoning would --**  
 11 MR. WEBER: I'm going to object to this line of  
 12 questioning. This is going well beyond the scope of the  
 13 direct testimony. Now Mr. Bricklin is postulating new  
 14 alternatives that haven't been mentioned by anyone and  
 15 asking the witness about those. I mean --  
 16 MR. BRICKLIN: Maybe I misunderstood. I thought he  
 17 testified that the alternatives that have been discussed in  
 18 earlier testimony of -- including incentive zoning were not  
 19 reasonable alternatives.  
 20 MR. WEBER: No, I don't think anyone mentioned incentive  
 21 zoning in direct. I think what he testified to was that --  
 22 I mean, that the Appellants' contentions that alternatives  
 23 that did not involve increases in development capacity  
 24 didn't need to be considered. He never used the word  
 25 "incentive zoning." You're now going down a different road.

1 MR. BRICKLIN: He didn't have to mention it. I asked him  
 2 whether it's part of the current city code. Fine.  
 3 **Q. (By Mr. Bricklin) Let me come at it this way. So in your**  
 4 **view, the -- not including upzones would not approximate the**  
 5 **accomplishment of the objectives of the proposal. Is that**  
 6 **your testimony?**  
 7 A. The one objective that is specific to increasing production.  
 8 **Q. Right. And my question is: Is your testimony to that**  
 9 **effect based on your own analysis or is it based on what the**  
 10 **City has told you?**  
 11 A. I read the objectives and I interpreted the objectives.  
 12 **Q. Right. No, I know you read the objectives. But in terms of**  
 13 **ruling -- saying these other alternatives are not reasonable**  
 14 **because they would not have achieved these objectives, is**  
 15 **that based on your own analysis of those alternatives or is**  
 16 **your conclusion based on the City's statement to you that**  
 17 **they would not -- that those alternatives would not meet**  
 18 **those objectives?**  
 19 A. No, they did not make that statement to me. That's my  
 20 conclusion.  
 21 **Q. All right. So can you tell me the thought process you went**  
 22 **through in reaching that conclusion?**  
 23 A. I looked at the objective and I said they could not  
 24 accomplish that objective without upzoning. Upzoning is  
 25 baked into the cake.

1 MR. BRICKLIN: He said -- his testimony about 90 seconds  
 2 ago was that -- he agreed that incentive zoning was what he  
 3 was talking about.  
 4 MR. WEBER: Well, in response to your question, I'm  
 5 objecting to the line of questioning.  
 6 HEARING EXAMINER: He responded to a question about  
 7 incentive zoning but he didn't -- that didn't reach back and  
 8 make that as an original direct testimony. And at this  
 9 point -- and because he said it in response to a previous  
 10 question in cross doesn't necessarily prohibit the City from  
 11 raising the objection at this point. So it's sustained.  
 12 **Q. (By Mr. Bricklin) So let me go back then -- let me rewind,**  
 13 **go back to when (inaudible).**  
 14 **What are -- what's an example of alternatives that you**  
 15 **believe the appellants have proposed that do not approximate**  
 16 **the objectives of the proposal?**  
 17 A. Excluding -- just requiring provision of affordable housing  
 18 without upzones.  
 19 **Q. Does the city code currently provide for incentive zoning as**  
 20 **a means of doing that?**  
 21 A. In some --  
 22 MR. WEBER: I renew my objection.  
 23 HEARING EXAMINER: There's an objection.  
 24 MR. WEBER: Again, you're asking for incentive zoning. I  
 25 mean, he didn't just mention it. It's --

1 **Q. What analysis did you do to assess whether the alternatives**  
 2 **that were discussed by the other witnesses that don't**  
 3 **involve upzoning would not generate a like number of units?**  
 4 **What analysis did you --**  
 5 A. Okay. First of all, I read the summary of the HALA report.  
 6 I read the City Council's resolution 2316 -- or 3216, you  
 7 know, all of which -- you know, I read the objectives, I  
 8 read the description of the proposal, all of which make  
 9 upzoning an integral element of the City's prior planning  
 10 direction for MHA and for the proposal.  
 11 **Q. So do you have the EIS in front of you there?**  
 12 A. Yep.  
 13 **Q. Can you turn to page 1.3, please?**  
 14 A. Yes.  
 15 **Q. Do you see there section 1.2, Objectives of the Proposal?**  
 16 A. Um-hum.  
 17 **Q. The first -- well, let's go to the -- the third bullet**  
 18 **refers to the 6,200 units of income-restricted housing,**  
 19 **right?**  
 20 A. Um-hum.  
 21 **Q. And the first bullet refers to an increase in production of**  
 22 **housing more generally across broad ranges of households; do**  
 23 **you see that?**  
 24 A. Correct.  
 25 **Q. Now, are you -- is it your testimony -- were you focussing**