

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 NICHOLAS WELCH

Page 5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT INDEX

NO.	DESCRIPTION	MARKED	RECEIVED
292	Email to Mr. Welch	14	14
293	MHA Summaries	48	48
294	Guide for making an EIS	50	50
295	DEIS comment form	51	51
296	Map of proposed areas affected by MHA	52	53
297	Community Input process	53	54
298	Email	92	92
299	Ms. Graham Resume	115	117
300	Trees for All	127	129
301	2017 Parks and Open Space Plan	131	134
302	2018 Combined Sewer Overflow Long Term Control Plan Update	146	147
303	Excerpt from Sammamish Town Center EIS	175	175
304	Historic resource section of draft EIS	220	221

Page 7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

your deposition?

A. Yes, I believe I did.

Q. And do you wish to correct that testimony?

A. No, I don't believe so.

Q. Okay. We'll get to that. I'd like to shift to the -- start talking about the HALA process. When was the HALA Advisory Committee first established?

A. I believe in 2014.

Q. And did you recall better that it was September 2014, that you testified to that?

A. I don't recall the specific month of 2014.

Q. At this time?

A. At this time.

Q. So if I told you you said September, 2014, you wouldn't argue with that, right?

A. No.

Q. Okay. And at what point was OPCD working on various recommendations from the HALA Advisory Committee?

A. My recollection is that the recommendations from the HALA Advisory Committee came out, I believe in June of 2015. NOPCD began working on implementing some of those recommendations shortly after that.

Q. All right. So what does that implementation include?

A. Well, the recommendations from the HALA Advisory Committee include about 60 or so different strategies. I don't recall

Page 6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-o0o-
August 31, 2018

THE COURT: We're to continue with cross for Mr. Welch. It looks like we don't have some counsel here. So we're not picking up the conversation on closing argument.

MS. BENDICH: No, but -- we just discussed that. Mr. Bricklin will be here and we will get it resolved today.

THE COURT: We'll wait until they get here.

MS. BENDICH: Okay.

CROSS EXAMINATION (continuing)

BY MS. BENDICH:

Q. Good morning, Mr. Welch?

A. Good morning.

Q. Did you take a look at your deposition yesterday?

A. Yes.

Q. Is there anything you'd like to correct from yesterday's testimony?

A. You had asked me whether I would use the phrase cohesive to describe the Ravenna Neighborhood. And I believe yesterday I said I would describe it as an identifiable place. I wouldn't disagree that it's also a cohesive neighborhood.

Q. In fact you said that in your deposition, did you not?

A. Yes.

Q. Okay. And did you take a look at your description RSL in

Page 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

which were the very first ones to -- the OPCD undertook by implementation means taking some of those recommendations from that advisory committee and taking the steps to put them into effect.

Q. And on the basis of that, did OPCD prepare maps?

A. Well, it's a little hard for me to answer in a sense that the HALA recommendations are very broad. They include some measures related to land use and zoning such as MHA, but then many other recommendations that are not land use focussed, such as strengthening tenant protections and renewing the housing levy, which happened in August of 2016, I believe. So to the extent you're referring to MHA, at some point, yes, that involved the process of creating maps.

Q. And that process occurred before the city council had approved or adopted the 2035 comprehensive plan; isn't that correct?

A. Let me think about those dates for a moment. I believe the Seattle 2035 comprehensive plan was adopted by council in 2016. And I don't know exactly which month in 2016 --

Q. Well, let me just refresh your recollection, it was October of 2016. So at what point was OPCD making up the maps, it was before that, wasn't it?

A. I want to clarify. Are there specific maps you're referring to?

Q. Yeah, the kind of zoning map that we now have in our binder

Page 17

1 considered other factors as well.
 2 MS. BENDICH: Okay. Mr. Examiner, in terms of
 3 depositions, do we publish them here or can I just give him
 4 a copy and give you a copy?
 5 THE COURT: Yeah, you can just give us a copy (inaudible)
 6 unless --
 7 MR. WEBER: I was going to say, I think there's an
 8 obligation before the examiner sees it to demonstrate an
 9 inconsistent statement. So I ask Ms. Bendich do that first
 10 before presenting (inaudible).
 11 MS. BENDICH: Okay, all right.
 12 MR. WEBER: And I guess if you're going to refer to it,
 13 you can give him the... *welch & B*
 14 **Q. (By Ms. Bendich) Mr. ~~Wendert~~, I'm handing you a copy of**
 15 **your deposition testimony, testimony from May 10, 2018. I'd**
 16 **like you to turn to page 49. Actually it starts around page**
 17 **48 where we start discussing the 10-minute walk shed. Do**
 18 **you want to just take a look starting on page 48 and read**
 19 **down to line 20 on page 49?**
 20 A. Okay, I'm done.
 21 **Q. Okay. Do you see your testimony beginning at line 17**
 22 **through 20?**
 23 A. On which page?
 24 **Q. Page 49.**
 25 A. Yes, I do.

Page 18

1 **Q. And I was asking about the Preferred Alternative and the**
 2 **10-minute walk zone, do you see that? And your answer was**
 3 **the Preferred Alternative proposes approximately a 10-minute**
 4 **walk shed for all of the urban villages where we have**
 5 **proposed and studied an expansion. Do you see that?**
 6 A. Yes, I do.
 7 **Q. And that was your testimony then?**
 8 A. Yes.
 9 **Q. And the only exception was for urban villages, which were**
 10 **identified as having high displacement risk; is that**
 11 **correct?**
 12 A. Well, in the Preferred Alternative --
 13 MR. WEBER: I'm going to object. I mean the purpose of
 14 getting this out was to talk about inconsistency. You
 15 haven't demonstrated any inconsistency. So I think unless
 16 there's something else, we're done with this question of the
 17 deposition.
 18 MS. BENDICH: I disagree, counsel. He said there were
 19 other factors. And there are no other factors here that
 20 he's testified to.
 21 MR. WEBER: The lines that you read were not inconsistent
 22 with his testimony.
 23 MS. BENDICH: I disagree.
 24 THE COURT: What's inconsistency? In the testimony today
 25 and in the deposition, there's the recognition that there's

Page 19

1 a 10-minute walk zone. In the testimony today it also
 2 elicits that there were other factors. The line in the
 3 deposition is not exclusive. It doesn't say that the only
 4 factor was a 10-minute walk zone, it just says there was a
 5 10-minute walk zone, which is part of the testimony today.
 6 So what is the inconsistency?
 7 MS. BENDICH: My understanding of this was that he was
 8 saying that was the only factor. But I will go on and ask
 9 him --
 10 THE COURT: Does it say it was the only factor?
 11 MS. BENDICH: It doesn't say "only".
 12 **Q. (By Ms. Bendich) So what other factors for all urban**
 13 **villages that are not in the (inaudible) displacement risk**
 14 **category, what other factors were being considered?**
 15 A. Well, to clarify one thing, in the Preferred Alternative,
 16 all urban villages where we had contemplated an expansion
 17 area have an approximately 10-minute expansion area in the
 18 Preferred Alternative. In the draft EIS alternative, that
 19 expansion area did vary and partly it varied by whether the
 20 urban village had high displacement risk or not. But in the
 21 Preferred Alternative, all of those urban villages have
 22 roughly a 10-minute walk shed.
 23 The other factors that I was referring to relate to the
 24 very specific choices we made about where that line would go
 25 really at a block level. And that considered topography or

Page 20

1 other sort of natural boundaries, the street network in a
 2 certain neighborhood. And so those other considerations, I
 3 believe in some instances, resulted in refinement of where
 4 that line was. But that's not inconsistent with the overall
 5 10-minute walk shed approach for those urban villages.
 6 **Q. So this particular, for the Roosevelt Urban Village, this is**
 7 **the identical -- the identical lines that were in Mr.**
 8 **Steinbrook's (phonetic) study, were they not?**
 9 A. I don't know what lines were in Mr. Steinbrook's study or I
 10 don't recall that.
 11 **Q. We can refer to that exhibit later or in fact it's already**
 12 **in the record. Did any -- you testified in your deposition**
 13 **that you had read the 1999 Roosevelt Neighborhood Plan,**
 14 **correct?**
 15 A. Yes.
 16 **Q. And you've read the 2035 neighborhood plan in the**
 17 **comprehensive plan, correct?**
 18 A. For Roosevelt?
 19 **Q. Yeah.**
 20 A. Yes.
 21 **Q. And you've also done outreach over the MHA draft EIS in the**
 22 **Roosevelt Community; is that correct?**
 23 A. Yes. I believe I attended one meeting during the draft EIS
 24 comment period.
 25 **Q. And did any member of the public point out to you that the**