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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of  
**SAVE MADISON VALLEY**  
from approval of a land use application and a  
land use interpretation by the Director,  
Department of Construction and Inspections

Hearing Examiner File:  
MUP 18-020 (DR, W) & S-18-011

Department References:  
3020338, 3028345

**PRELIMINARY WITNESS AND  
EXHIBIT LISTS**

Pursuant to the Hearing Examiner’s Amended Prehearing Order dated September 14, 2018, Respondent/Applicant Velmeir Madison Co. LLC (“Velmeir”) hereby submits the following preliminary witness and exhibit lists. Velmeir reserves the right to call witnesses or use exhibits identified by any other party. Velmeir also reserves the right to call additional witnesses and submit additional exhibits at hearing to rebut testimony or evidence offered by any other party. In addition, Velmeir reserves the right to supplement this preliminary witness and exhibit lists as appropriate. Copies of the exhibits will be provided in accordance with the Second Amended Prehearing Order.

**PRELIMINARY WITNESS LIST**

Velmeir lists the following witnesses:

1. Geza DeGall, Senior Vice-President at The Velmeir Companies, is prepared to testify regarding the facts and background of the project and entitlement process, and respond to other appeal issues within his knowledge.
2. Lucas Branham, Architect and Project Manager at Studio Meng Strazzara, is prepared to testify as an expert witness regarding the background of the project, the Design Review process, and other appeal issues that are within his knowledge.
3. Charles Strazzara, President of Studio Meng Strazzara, is prepared to testify as an expert witness regarding the background of the project, the Design Review process, and other appeal issues that are within his knowledge.

- 1 4. Brian D. Gillooly, PLS, Principal, Director of Surveying Services at Barghausen Consulting  
2 Engineers, Inc., is prepared to testify as an expert witness regarding project design and  
3 construction and other appeal issues that are within his knowledge.
- 3 5. Joe Taflin, P.E., LEED AP, Principal of Navix Engineering, is prepared to testify as an  
4 expert witness regarding project design and construction and other appeal issues that are  
5 within his knowledge.
- 5 6. Scott Evans, Principal, Thomas Rengstorf Associates, is prepared to testify as an expert  
6 witness regarding project landscape architecture and other appeal issues that are within his  
7 knowledge.
- 7 7. Sandro Kodama, P.E., S.E., Principal of Quantum Consulting Engineers LLC, is prepared to  
8 testify as an expert witness regarding project structural design and other appeal issues that are  
9 within his knowledge.
- 9 8. Matthew W. Smith, P.E., Principal Geotechnical Engineer at GeoEngineers, Inc., is prepared  
10 to testify as an expert witness regarding project geotechnical issues and analysis, the  
11 Geotechnical Master Use Permit Report prepared for the Project, and other appeal issues that  
12 are within his knowledge.
- 11 9. Bill Stewart, INCE, REFP, Managing Partner of SSA Acoustics, LLP, is prepared to testify  
13 as an expert witness regarding project acoustical issues and other appeal issues that are  
14 within his knowledge.
- 13 10. Edward Koltonowski, President of Gibson Traffic Engineers, Inc. is prepared to testify as an  
15 expert witness regarding project traffic issues, the traffic impact analyses prepared by Gibson  
16 Traffic Engineers, Inc. and appeal issues that are within his knowledge.
- 15 11. Patrick C. Hayes, Owner of Energy Consulting, is prepared to testify as an expert witness  
17 regarding project building compliance with energy codes and other appeal issues that are  
18 within his knowledge.
- 17 12. Brad Minogue, AIA, LEED AP, President of Cross 2 Design Group, is prepared to testify as  
19 an expert witness regarding architectural design of the project and other appeal issues within  
20 his knowledge.
- 19 13. Sean Dugan, Principal of Tree Solutions Inc., is prepared to testify as an expert witness  
21 regarding facts and analysis involving trees, the arborists reports prepared for the Project, and  
22 other appeal issues within his knowledge.
- 21 14. Dr. Heather Miller, Vice President of Business Development and Senior Historian of  
23 Historical Research Associates, Inc., is prepared to testify as an expert witness regarding  
24 facts and issues of cultural resource assessment and other historical analysis prepared by  
25 Historical Research Associates, and respond to other appeal issues that are within her  
26 knowledge.
- 25 15. Jim Keany, Senior Program Manager at Environmental Science Associates is prepared to  
26 testify as an expert witness regarding analysis and facts of habitat issues the habitat  
assessment report prepared, and other appeal issues that are within his knowledge.

**PRELIMINARY WITNESS AND EXHIBIT LISTS - 2**

**FOSTER PEPPER PLLC**  
1111 THIRD AVENUE, SUITE 3000  
SEATTLE, WASHINGTON 98101-3292  
PHONE (206) 447-4400 FAX (206) 447-9700

1 16. Pete Lawson, Senior Fisheries Biologist at Environmental Science Associates is prepared to  
2 testify as an expert witness regarding analysis and facts of habitat issues and other appeal  
3 issues that are within his knowledge.

4 17. Velmeir reserves the right to call witnesses from the City and Appellant's witness lists.

5 **PRELIMINARY EXHIBIT LIST**

6 Velmeir will rely upon the exhibits identified by SDCI in addition to the following exhibits:

Ex.	Description
7 1.	Applicant Velmeir Inc.'s Response to Save Madison Valley's Request for Code Interpretation (SDCI Project Numbers 65107 and 3020338)
8 2.	Madison – News Alert – SMV To Appeal City Permit
9 3.	Average Grade Calculation and Section (February 19, 2018)
10 4.	Habitat Assessment (May 23, 2017)
11 5.	SEPA Appendix A (June 14, 2016)
12 6.	EDG Packet (April 19, 2016)
13 7.	REC Draft Packet (September 13, 2017)
14 8.	Correction 1 – Applicant Services
15 9.	Correction 1 – Land Use
16 10.	Correction 1 – Zoning 2
17 11.	Correction 1 – Zoning
18 12.	Correction 2 – Land Use
19 13.	Correction 2 – Zoning
20 14.	Correction 3 – Land Use
21 15.	Correction 3 – Zoning 2
22 16.	Correction 3 – Zoning
23 17.	Correction 4 – Land Use
24 18.	Correction 4 – Zoning
25 19.	Correction 5 – Zoning
26 20.	2925 Madison Vehicle Turning Movements (October 19, 2017)
	21. 2925 Madison Vehicle Turning Movements (March 23, 2018)
	22. Madison Curb Cut Sizing (March 7, 2018)
	23. Response to SMV Comment Letter (March 7, 2018)
	24. Approved Pre-submittal Conference Minutes of Meeting (March 23, 2016)
	25. Studio Meng Strazzara's Response to Applicant Services Correction Notice #1 email (July 27, 2017)
	26. Bearing Soil Contour Map by GeoEngineers (March 30, 2016)

Ex.	Description
27.	Studio Meng Strazzara's Response to LAND USE Correction Notice #1 email (July 24, 2017)
28.	2925 Madison SEPA Environmental Checklist (March 1, 2017)
29.	Email from S. Evans to L. Branham and P. Mahoney re: 2939 Madison – sidewalk/street tree (August 2, 2017)
30.	GTC's Correction Notice Response #1 Madison #3020338 (July 26, 2017)
31.	Email from S. Evans to L. Branham and P. Mahoney re: 2939 Madison – sidewalk/street tree (August 2, 2017) [no attachment]
32.	Email thread between S. Evans and B. Ames re: 2939 Madison – sidewalk/street tree (August 2, 2016)
33.	Studio Meng Strazzara's Response to Tree Protection Correction Notice #1 email (July 24, 2017)
34.	Studio Meng Strazzara's Response to Zoning Correction Notice #1 email (August 4, 2017)
35.	2939 E Madison Street – Frequent Transit Service Information (undated)
36.	Studio Meng Strazzara's Response to LAND USE Correction Notice #2 email (December 23, 2017)
37.	Studio Meng Strazzara's Response to Zoning Correction Notice #2 email (December 23, 2017)
38.	2939 E Madison Street – Frequent Transit Service Information (undated)
39.	Studio Meng Strazzara's Response to Zoning Correction Notice #3 email (March 7, 2018)
40.	Studio Meng Strazzara's cover letter regarding SDCI's Cycle 4 Zoning and Land Use Correction Notices
41.	Studio Meng Strazzara's Response to Zoning Correction Notice #4 email (April 30, 2018)
42.	Studio Meng Strazzara's Correction Notice #1 Response (September 23, 2016)
43.	Average Grade Calculation and Max Structure Height (September 22, 2016)
44.	DCI Zoning Response (October 7, 2016)
45.	Arborist Report prepared by Steinbrueck Urban Strategies LLC (dated July 13, 2016)
46.	Frequent Transit Information
47.	LPB (July 20, 2017)
48.	SDCI Correspondence (from John Shaw to Magda Hogness, RE Madison Access, dated August 16 and August 21, 2017)
49.	SDCI Correspondence – SMV Tree Comments (from SDCI to Melissa Stoker RE “missing documents”) (January 18, 2018)
50.	Site Plan (dated October 26, 2016)
51.	Street Tree Email (from Scott Evans to Lucas Branham/Patrick Mahoney RE sidewalk/street tree) (dated August 2, 2016)

1 DATED this 19<sup>th</sup> day of October, 2018.

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3  
4 Jeremy Eckert, WSBA #42596  
5 Patrick J. Mullaney, WSBA #21982  
6 FOSTER PEPPER PLLC  
7 1111 Third Avenue, Suite 3000  
8 Seattle, Washington 98101-3292  
9 Telephone: (206) 447-4400  
10 Facsimile: (206) 447-9700  
11 Email: jeremy.eckert@foster.com  
12 patrick.mullaney@foster.com  
13 Attorneys for Respondent / Applicant TVC Madison Co. LLC  
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DECLARATION OF SERVICE

The undersigned certifies that I am a citizen of the United States of America and a resident of the State of Washington, I am over the age of twenty-one years, I am not a party to this action, and I am competent to be a witness herein.

The undersigned declares that on October 19, 2018, I caused to be served:

1. **PRELIMINARY WITNESS AND EXHIBIT LISTS.**

Claudia Newman  
Anne Bricklin  
Bricklin & Newman LLP  
1424 Fourth Avenue, Suite 500  
Seattle, WA 98101  
Phone: 206-264-8600  
Email: newman@bnd-law.com  
miller@bnd-law.com  
***Counsel for Appellant***


- via hand delivery
- via first class mail, postage prepaid
- via facsimile
- via e-mail
- via ECF

William Mills  
Magda Hogness  
Seattle Department of Construction & Inspections  
700 5th Ave # 2000  
Seattle, WA 98104  
Phone: 206-684-8738  
Email: william.mills@seattle.gov  
Magda.hogness@seattle.gov

- via hand delivery
- via first class mail, postage prepaid
- via facsimile
- via e-mail
- via ECF

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and accurate.

DATED this 19<sup>th</sup> day of October, 2018, at Seattle, Washington.

  
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Nikea Smedley, Legal Assistant