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6 BEFORE THE HEARING EXAMINER  
7 FOR THE CITY OF SEATTLE

8 In the Matter of the Appeals of ) Hearing Examiner File:  
9 WALLINGFORD COMMUNITY ) **W-17-006 through**  
COUNCIL, ET AL. ) W-17-014  
10 Of Adequacy of FEIS Issued by the )  
11 Director, Office of Planning and )  
Community Development )  
12

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15 FRIENDS OF RAVENNA-COWEN

16  
17 TRANSCRIPT EXCERPTS OF LORNE MCCONACHIE

18  
19 FOR CLOSING ARGUMENT  
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1 consulted around the world on educational matters in terms  
2 of educating our children. The work I do is very public.  
3 Most of the schools we work on are public institutions.  
4 Roosevelt High School is probably the most pertinent one to  
5 my testimony today as a major restoration that I was  
6 responsible for.  
7 Our work involves consensus building, a great deal of  
8 collaboration with community groups, with teachers, parents,  
9 outreach into community to make sure we're designing in a  
10 way that is comprehensive and sensitive to the needs of the  
11 neighborhood.  
12 **Q. You mentioned some municipal work. What were you referring**  
13 **to?**  
14 A. I was heavily involved in the building we're sitting in  
15 today in terms of its design, as well as Seattle City Hall  
16 across the street. So both of those were projects that our  
17 firm was responsible for.  
18 **Q. And have you served in any capacity on any boards in the**  
19 **city?**  
20 A. I have. I served on the Seattle Landmarks Board for roughly  
21 eight years, six years as Chair of that board. I also  
22 served on the Pioneer Square Preservation Board, as I  
23 recall, four years as Chair on a six-year cycle.  
24 **Q. Okay.**  
25 A. Might have been three. I'm sorry. I don't remember

1 A. Yes, it appears to be so.  
2 **Q. Okay.**  
3 MS. BENDICH: So I would move the admission of No. 65,  
4 please.  
5 MR. WEBER: No objection.  
6 HEARING EXAMINER: 65 is admitted.  
7 (Exhibit No. 65 admitted into evidence.)  
8 **Q. (By Ms. Bendich) So, Mr. McConachie, are you familiar with**  
9 **something called Tomorrow's Roosevelt Neighborhood Plan?**  
10 A. I am. I've lived in the Ravenna neighborhood since 1989 and  
11 have been involved with varying planning, sustainability  
12 efforts within the Roosevelt neighborhood over those many  
13 years. So I am familiar with this plan. I was not the  
14 author of it or anything like that, but I have seen it. I  
15 have referenced it. And as I recall it, made commentary on  
16 it as it was being involved with -- being developed within  
17 the neighborhood.  
18 MS. BENDICH: So taking -- we're going to get this -- get  
19 an exhibit number here. And this is Friends of  
20 Ravenna-Cowen Exhibit No. 5.  
21 HEARING EXAMINER: Marked as Exhibit 66.  
22 (Exhibit No. 66 marked for identification.)  
23 **Q. (By Ms. Bendich) Okay. Mr. McConachie, you have a copy in**  
24 **front of you?**  
25 A. I do.

1 exactly.  
2 **Q. And any particular councils or task forces that you**  
3 **participated in?**  
4 A. I have participated in the Mayor's Task Force on two  
5 occasions. One for historic schools within our city; second  
6 for transferable development rights within the City of  
7 Seattle as two specific task force here in Seattle.  
8 **Q. And have you provided me with a copy of your resumé?**  
9 MS. BENDICH: I'm sorry?  
10 MR. WEBER: Go ahead. I was just noticing something had  
11 been handed up, and I didn't know what it is.  
12 MS. BENDICH: Oh, it's the resumé.  
13 MR. WEBER: Okay.  
14 MS. BENDICH: Do you need a copy?  
15 MR. WEBER: Well, if you could reference what exhibit  
16 it --  
17 MS. BENDICH: Well, we don't know -- it's Friends of  
18 Ravenna-Cowen Exhibit No. 31. Okay.  
19 HEARING EXAMINER: Marked as Exhibit 65.  
20 MS. BENDICH: 65.  
21 (Exhibit No. 65 marked for identification.)  
22 **Q. (By Ms. Bendich) And is this your resumé, Mr. McConachie?**  
23 **Yes?**  
24 A. I'm sorry. What was the question?  
25 **Q. Is that your resumé?**

1 **Q. So it's dated March 1999 on the cover page.**  
2 MR. WEBER: Excuse me. Could I have a copy, too? You  
3 just have a slip sheet for it in your exhibits.  
4 MS. BENDICH: Oh, I thought I had given -- I do have an  
5 extra one.  
6 **Q. (By Ms. Bendich) Okay. So it says the date is March 1999.**  
7 **Could you say how you understand this document came to be --**  
8 **come into existence?**  
9 A. I think the deeper history was the Growth Management Act  
10 encouraged neighborhoods throughout the state to develop  
11 plans for their own growth. As I recall, this plan began  
12 some three years before its published date. There were  
13 development plans within the neighborhood. I don't think  
14 they were approved by the city until this document came in  
15 1999. But the neighborhood worked on it from, if you will,  
16 a grass roots level, in a generative way, developing the  
17 plan over three, four years. And I -- I don't have specific  
18 memory of -- as to exactly when it began, but it was a slow  
19 process of -- involving the community, involving the  
20 businesses, et cetera, within Roosevelt.  
21 And -- and a lot of its genesis was in focusing on the  
22 fact that we were a potential site for transit. And so the  
23 community was very interested in understanding how that  
24 might shape and impact the community.  
25 **Q. Do you know whether the city itself actually helped support**

1 neighborhoods in developing their neighborhood plans at that  
2 time?

3 A. I believe there was city support of that development.

4 Q. And taking a look at page 5, if you would. So in here it  
5 talks about urban villages being the center of the  
6 comprehensive plan at that time. And does it define in here  
7 what the neighborhood boundaries are for this urban village?

8 A. It does define those boundaries with a map as shown on page  
9 6 of this document. There's sort of the hard line of the  
10 urban village, and then there's a dashed line of what you  
11 might call areas -- outreach area. Basically the community  
12 was interested not only in those living within -- living or  
13 working within that hard line boundary, but also an  
14 understanding of the potential urban village's impact on  
15 immediate neighbors.

16 Q. And just turning over to pages 7 and 8. So page 7, I  
17 believe, gives just a general neighborhood profile and  
18 history of the existing Roosevelt at that time. And then  
19 turning to the next page, it talks about the history. And  
20 what do you know about the history of Roosevelt?

21 A. What I -- what I know, I guess, is Roosevelt was an --  
22 Roosevelt began as a little node, a hub of commercial  
23 activity around the Roosevelt/65th intersection. That was  
24 its -- it's the commercial hub of the village. There were  
25 residential areas around that.

1 Roosevelt has had a history of being an arterial  
2 intersection as it's beginning. As I recall, it was annexed  
3 into the city in about 1891. Much of its growth began  
4 around that time and into -- into the early 20th century.  
5 Roosevelt High School, for example, was built in 1922. I  
6 know that because I worked on it. So that was its area of  
7 significant growth.

8 Q. And does it have -- is it kind of bifurcated? Does it have  
9 a commercial center and a residential center to it?

10 A. Yeah, the node at 65th and Roosevelt was the historic  
11 commercial center that, of course, grew as the neighborhood  
12 developed. Around the Roosevelt neighborhood, it extends  
13 south to the Ravenna Boulevard, one of the historic Olmsted  
14 Legacy aspects of our city. To the west it's now the  
15 freeway. Although, of course when -- I-5 was not built back  
16 in the 1800s, so that was a later addition. To the north, I  
17 think it's up to about 75th; to the east, it goes to 15th as  
18 the boundary -- the arterials creating the boundary of the  
19 neighborhood. But the node was -- was really at the two --  
20 at the intersection of 65th and Roosevelt.

21 Q. And along 15th at that time, based on what your knowledge of  
22 the history is, was there actually, like, a trolley car that  
23 went --

24 A. Yeah, that was a trolley avenue running from downtown, I  
25 think all the way up to 80th, till about the World War II.

1 I remember seeing it referenced in the Alaska Yukon exhibit  
2 as a marker that got you to the university and north from --  
3 from Downtown.

4 Q. And across 15th Avenue NE to the east, is there -- at that  
5 time, even, was there any commercial activity?

6 A. The Ravenna neighborhood is east of Roosevelt. It  
7 developed -- well, it may have been developing around the  
8 same time, but it was a design -- I believe it was a town in  
9 1906, and then was annexed in 1907. So 15, 16 years after  
10 Roosevelt, the -- this little residential village of -- of  
11 Ravenna was annexed into the city as well. It's -- it's  
12 bounded by 15th on the west, 25th on the east, 65th slices  
13 through it in the -- in the center as probably the only  
14 arterial that is -- is, you know, bifurcating the  
15 neighborhood. But Ravenna was much more of a residential  
16 area as opposed to the commercial hub that Roosevelt began  
17 as.

18 Q. Okay. So Ravenna, the town of Ravenna, started across the  
19 street, and it started a little later; is that what you're  
20 saying?

21 A. That's my understanding.

22 Q. And then it was subsequently annexed?

23 A. Correct, about 15 years after Roosevelt was.

24 Q. And Ravenna, to this day, extends from 15th Avenue NE over  
25 to about -- the next arterial over is what?

1 A. 25th NE.

2 Q. Are there any arterials intersecting that section of  
3 Ravenna, this 10 blocks?

4 A. Well, on a north/south basis, no. The east/west basis, 65th  
5 runs through the middle of the neighborhood.

6 Q. And today, where are arterials in the Roosevelt  
7 neighborhood?

8 A. Within the neighborhood, Roosevelt 12th and 65th pretty much  
9 create the crosshairs of the neighborhood. And, of course,  
10 there are arterials around that neighborhood as well.

11 Q. All right. So starting with 15th, are there any arterials  
12 to the west of that? Is that Roosevelt?

13 A. West is 12th, then Roosevelt, and then all the way to the  
14 freeway as primary arterials.

15 Q. And on the east/west straight, it's NE 65th Street. And is  
16 there another arterial even north of that?

17 A. Well, 75th is probably the northern edge of both Roosevelt  
18 and Ravenna neighborhoods, and the Cowen-Ravenna Park forms  
19 the southern edge of the neighborhood. So that's a natural  
20 area.

21 Q. And the residential section of Roosevelt, does that extend  
22 along -- more closely to Cowen and Ravenna Parks?

23 A. Within Roosevelt, there's a -- there's an arc of -- of  
24 resident -- single-family residential historic bungalow  
25 character on the northern edge -- northern and western edge

of Cowen Park. And then there's another grouping of residential houses north of the node of Roosevelt, heading up towards 75th.

**Q. Okay. So you had mentioned earlier that one of the major concerns here, or one of the reasons for doing this, was Roosevelt community's concern about having a light rail station. Tell me about that.**

**A.** It was -- at one point I remember the -- the light rail was planned ahead from the University of Washington all the way up to Northgate. The neighborhood, because it has a freeway entry, and it's a commercial hub within this -- this -- this regional stretch, felt that it would be appropriate to have a light rail station there. And part of this early planning of the neighborhood was in anticipation of the location somewhere within the Roosevelt neighborhood. It wasn't at that time obviously determined.

**Q. So turning your attention to page 14, does that discuss the light rail station planning?**

**A.** It does. Planning began in 1998 for a regional transit system, including a planned light rail line with a station to be built in Roosevelt.

**Q. Okay. And that came as the result of citizen action; is that correct?**

**A.** I -- I know the citizens were interested in it, and, if you will, lobbying for it. Obviously the authorities having

jurisdiction over light rail made the final call.

**Q. All right. I think we covered that. If you could turn to page 21. I think I missed something here. So were there certain goals set by the community in -- if you turn to page 18.**

**A.** In terms of anticipation within this plan, yes, there were goals to recognize the kind of urban village character that would come with a light rail station to increase density at the hub where the station was -- was to be planned, and to have a gradual transition of building heights and densities as it -- as it feathered back into the single-family neighborhoods around Roosevelt and adjacent to Roosevelt.

**Q. And at page 20 of Exhibit 66, does it state what the housing goals are?**

**A.** Yes, it does. It lists four goals for housing. "Protect and preserve the neighborhood's single-family character, while accommodating the 25 percent increase in housing units expected in the next 20 years. Develop a range of strategies to help encourage housing opportunities for wide range of residents. Support the adoption of the Roosevelt design guidelines for commercial and multifamily projects." And I'm summarizing here; increase awareness of the need for housing maintenance for both owner and non owner-occupied units. There were some areas of our neighborhood that weren't very well kept for years.

**Q. And there's a picture below that in which it says, "Multifamily housing on Roosevelt Way NE of a multistory building." That's an apartment -- apparently an apartment building; is that right?**

**A.** Uh-huh.

**Q. Do you know that building?**

**A.** I do know that building.

**Q. Is it an apartment building?**

**A.** Yes, I -- well, I believe it is.

**Q. Okay. Are there any such buildings in -- across 15th Avenue in the Ravenna section?**

**A.** Along 65th, there are a couple of apartment buildings on the arterial, but outside of that specific arterial cluster along 65th in approximately 20th to 25th, there are -- Ravenna is a single-family neighborhood.

**Q. And turning to the next page, 21, if you look at the issues that are listed there -- and go to the last one which says, "Maintenance." At that time, was there a concern about the single-family housing stock?**

**A.** Yes. As I mentioned a moment ago, there was -- there's sort of been a, for lack of a better word, a slumlord owner in the Roosevelt/Ravenna neighborhood at the corner of 15th and 65th for many years. And there was concern that that kind of poor maintenance record and lack of neighborly attention would spread as that slumlord purchased more property. And

it was an ongoing concern with neighbors. At almost every planning meeting, there were discussions of how to we deal with this challenge.

**Q. And so it mentions here about transient residents. Is that a concern?**

**A.** Yes.

**Q. Why? What are we looking for here in a neighborhood?**

**A.** Well, the neighborhood's goals really focused on family liveable apartments, mixed-use projects, as well as single-family homes. It was -- the intent was to create a liveable community that attracted a broad variety of folks from low cost, to high cost, from single occupancies, to families.

**Q. Then turning your attention on Exhibit 66 to page 17. What was the major issue that the neighborhood was concerned about?**

**A.** There were a number of issues, but --

**Q. But on page -- as they -- I'm sorry. I gave you the wrong page number. On page 34. Sorry about that.**

**A.** Okay. I was -- okay. And page 34 it identifies one of the goals, which was to improve the clarity, the identity of the neighborhood.

**Q. And how about the issue?**

**A.** The issue was lack of identity -- lack of neighborhood identity. And there was talk about creating entry points

1 into the community. There was talk about the clarification  
2 of residential -- single-family residential from the  
3 commercial core. Just a better treatment and -- and upgrade  
4 to the neighborhood.

5 **Q. Okay. And then turning your attention to page 40 of**  
6 **Exhibit 66.**

7 **A. Page 40. Yes.**

8 **Q. So one of the headers here talks about community gathering**  
9 **space. So did they have -- did the Roosevelt neighborhood,**  
10 **and perhaps -- let me just back up. In addition to what we**  
11 **call this particular defined boundary of the Roosevelt**  
12 **neighborhood, did community members from Ravenna actually**  
13 **participate in the development of this plan?**

14 **A. Yes. I know -- I know of several community members that**  
15 **were in the Ravenna side of 15th that were heavily involved**  
16 **in this. I have neighbors, the Johnsons, who live across**  
17 **the street from me, who they're an architect and an urban**  
18 **planner, they -- they played a major hand. And another**  
19 **woman I know who's a lawyer was also deeply involved in**  
20 **neighborhood planning, all of whom lived in Ravenna.**

21 But, again, recognize that Roosevelt was our -- our  
22 chopping area, our -- our local commercial zone. So it was  
23 pertinent to them as to how the area grew.

24 **MS. BENDICH: Mr. Examiner, may I help you find something**  
25 **or --**

1 architect, its impact in the cultural development of its  
2 neighborhood, and its identity within the neighborhood.  
3 It's prominent, and the neighborhood relates to its  
4 presence.

5 **Q. Okay. So if we could move on. Today you're -- and I'll**  
6 **just say this; when you started preparing for your testimony**  
7 **today, what were you originally going to testify about?**

8 **A. You had asked me to talk about sort of the 10-minute walk**  
9 **zone, some urban planning design impacts around that issue.**

10 **Q. And did I inform you that Mr. Peter Steinbrueck had**  
11 **testified about that issue pretty extensively yesterday?**

12 **A. That's what I heard.**

13 **Q. So are we trying to move -- so we're not going to have you**  
14 **go through in detail what he would've already talked about;**  
15 **is that correct?**

16 **A. That was my understanding.**

17 **Q. Okay. So the next document I'd like you to look at is**  
18 **what's called Roosevelt Neighborhood Design Guidelines,**  
19 **which is Friends of Ravenna-Cowen Exhibit No. 6.**

20 **MS. BENDICH: Do you need a copy?**

21 **MR. WEBER: Let me see here. Nope. We've got it.**

22 **MR. BRICKLIN: What number is that then?**

23 **MS. BENDICH: That would be marked as Exhibit 67, I**  
24 **believe.**

25 **HEARING EXAMINER: Yes.**

1 **HEARING EXAMINER: No.**

2 **MS. BENDICH: Okay.**

3 **HEARING EXAMINER: I'm good.**

4 **MS. BENDICH: Okay.**

5 **Q. (By Ms. Bendich) So one of the recommendations here involves**  
6 **Cowen Park. And they wanted the completion of an adventure**  
7 **play area.**

8 **A. That happened.**

9 **Q. And that occurred?**

10 **A. Yes.**

11 **Q. And they also want other additions to the neighborhood. And**  
12 **I think this goes through a whole bunch of them. And that's**  
13 **part of this plan; is that right?**

14 **A. That's correct. There was improvement of the parks, of**  
15 **critical issues about open space, discussion of a town**  
16 **square that has been an ongoing issue throughout the growth**  
17 **and planning of -- of the Roosevelt neighborhood.**

18 **Q. And if you could turn to page 43, please. You had mentioned**  
19 **earlier that you were involved in the high school, Roosevelt**  
20 **High School design issues. And you also said that you**  
21 **served on the Seattle Landmarks Board?**

22 **A. That's correct.**

23 **Q. Is there something special about Roosevelt High School?**

24 **A. Roosevelt is a designated landmark within the City of**  
25 **Seattle because of its architectural character, its**

1 (Exhibit No. 67 marked for identification.)

2 **Q. (By Ms. Bendich) And are you familiar with this document,**  
3 **Mr. McConachie?**

4 **A. I am familiar with this document. I was involved in its**  
5 **generation.**

6 **MS. BENDICH: Okay. I would move to admit No. 67.**

7 **MR. WEBER: No objection.**

8 **HEARING EXAMINER: We also have 66 to be admitted. Do I**  
9 **have 65 here?**

10 **MS. BENDICH: Yes, I --**

11 **HEARING EXAMINER: So 66 also needs to be admitted.**

12 **MS. BENDICH: Yeah, okay. I move the admission of No. 66.**

13 **HEARING EXAMINER: 66 and 67 are admitted.**

14 (Exhibits Nos. 66 & 67 admitted into evidence.)

15 **Q. (By Ms. Bendich) And what is the purpose -- this is, I**  
16 **believe, down at the bottom it says it's a City of Seattle**  
17 **Department of Planning and Development document. And how is**  
18 **this generated.**

19 **A. This is, if you will, an update of the previous plan of**  
20 **Roosevelt as new information came to the neighborhood. And**  
21 **there was an opportunity to work with the city in kind of**  
22 **refining and shaping the design guidelines for the**  
23 **neighborhood to be upgraded.**

24 For example, there's a whole section of sustainability  
25 in here. By -- by this date the neighborhood had begun a

sustainability committee. There had been many discussions both with the city, as well as within the neighborhood about potential impacts of a more sustainable approach to development as one example.

**Q. And so just take a look at page -- oh, it's page --**  
MR. BRICKLIN: Roman Numeral 4.

**Q. (By Ms. Bendich) Small Roman Numeral 4. And it has a list of various things where these words, "Pedestrian environment, street level design, greenways, transitions, sustainability," and it continues on to the next page, "the high school heritage, and Ravenna Park and Boulevard Heritage." Were these the thrusts of this design?**

A. Yeah.

**Q. Guideline?**

A. These were the, if you will, fine tuning of -- of defining characteristics of the neighborhood that we wanted to make sure were the focus of -- of future growth.

**Q. Is there anything in particular that you wish to highlight with respect to the goals and the design guidelines here?**

A. Well, pertinent to this discussion, I feel there are some really important defining characteristics of the Roosevelt neighborhood, and they have to do with the historic node, the commercial center. The landmark presence within the neighborhood is -- is Roosevelt High School. And that's part of the namesake of the neighborhood as well. We have

the elegant south boundary, which is part of the Olmsted Legacy of Seattle, the boulevard and the parks. And then we have this swath of historic homes that are historic bungalows growing from 1900, primarily, through 1930, that are -- is an intact group of historic homes.

Over the years there have been numerous architectural tours of this as a -- as an intact bungalow neighborhood. The area recently was nominated for a National Landmark District because of its intact nature of --

**Q. Let me stop you there. You said landmark district. We've been hearing throughout this process here at the hearing, different terminology, okay? Now, landmark has a potential significance, right? And then there's -- it's called a National Historic District.**

A. I may have misspoke. National Historic District I believe is how they refer to it from the federal perspective.

**Q. Okay.**

A. I'm a local landmarks guy, so I chuckled that in. I'm sorry.

**Q. And do you know what the date of this particular design guidelines was? Was this in 2015?**

A. 2015, yes.

**Q. During the process in 2015, was there any suggestion that the boundary should be changed?**

A. Not to my recall.

**Q. Was there any discussion that the boundary should be**

**expanded into the Ravenna area across 15th?**

A. Not to my memory.

**Q. Now, one of the things you were tasked to do, I believe -- let me back up. Mr. McConachie, did you participate in any way in making a comment about -- in the comprehensive plan process, or participating in anything that happened in the neighborhood -- about a proposal that was being made at that time to extend the boundary of 15th -- across 15th to the east into the Ravenna neighborhood?**

A. Yes, I believe I have attended planning committee meetings within the neighborhood in which this issue was discussed. There was a petition that circulated that I believe I signed. It's -- it's been a pretty hot topic within the neighborhood, so I've had numerous discussions around it.

**Q. Why? What are people concerned about, including yourself?**

A. It seems a pretty arbitrary move. It damages the historic fabric of a neighborhood. There are other areas within the Roosevelt neighborhood that the community has talked about where growth should occur, where actually the citizens, the families that lived in these neighborhoods wish to grow the neighborhood. And I know the -- the community around the park didn't want to grow density into these historic single-family homes. So it's been a pretty hot topic in terms of discussion of -- of the neighborhood.

**Q. And so how would they -- just by expanding it by about two**

**and a half blocks, how would that -- and then upzoning it -- how would that impact the neighborhood?**

A. Neighborhoods have development patterns that -- that give them character, give them a sense of cohesion and a sense of identity. Part of the -- the bigger planning within Seattle has talked about maintaining these -- these neighborhood identities, making sure that as we grew, our urban village boundaries didn't impinge upon the character of a place. So within the little Ravenna south edge of Roosevelt, it would mean that the -- the lot area relationships would change. The heights might change. The density of units per the size of lots might change. Open space, vegetation. Just the whole cadence of a neighborhood can change.

And it's -- again, our neighborhood -- the Roosevelt neighborhood in particular has been very good about saying, we recognize change, and we want to become an urban village, and here's where we'd like change to be. And then when we saw this imposition of -- of upzoning into specific single-family housing areas, the neighborhood said, no, this is not where we wanted growth to be. You're going to mess with a defining characteristic of what our neighborhood is, and we'd prefer it not here.

**Q. So this upzone that was proposed during the comprehensive plan, what was that based on? What was the rationale for it?**

1 A. Becoming an urban village, the transit stop.  
 2 **Q. No. How did they get to -- from the transit to 17th?**  
 3 A. Oh, oh, I'm sorry. That was the 10-minute walk radius,  
 4 which is obviously the -- the crux of the biscuit here.  
 5 There -- it appeared to -- to me, as I looked at this, that  
 6 there was a fairly arbitrary 10-minute walk radius around  
 7 the -- around the station. And yet the comp plan talks  
 8 about that being a contextual radius not a -- just a fixed  
 9 mathematical equation. My understanding was that it came  
 10 out of a GIS mapping and was slightly revised therein.  
 11 But the comp plan talks about it stopping at arterials.  
 12 Well, it just crossed 15th into a single-family  
 13 neighborhood, which didn't make sense even from the rules of  
 14 what the comp plan talked about. The comp plan talks about  
 15 maintaining these elegant neighborhoods. And here we just  
 16 expanded south and eastward into one of these historic  
 17 little -- potentially federal historic districts.  
 18 As I said, in many neighborhood meetings there were  
 19 neighbors who lived slightly northwest of the station that  
 20 said, we -- we're actually shifting part of the  
 21 neighborhood. We're moving into rentals. The freeway's  
 22 fairly close. We -- we would like our area to be upzoned.  
 23 So we, the neighbors, said to the city, hey, here's a whole  
 24 zone of the neighborhood that would like to grow and can  
 25 more than accommodate the growth targets that the city had

1 put forth.  
 2 **Q. If you could look at --**  
 3 A. This map?  
 4 **Q. -- at the map. And if you would please give the hearing**  
 5 **examiner --**  
 6 MS. BENDICH: This is from the EIS, Mr. Examiner, and it  
 7 is the -- from, what is it, G that has the maps? Which  
 8 section?  
 9 MR. BRICKLIN: G.  
 10 MS. BENDICH: G. And there's a --  
 11 MR. WEBER: I don't think it's G. I think it's --  
 12 MR. BRICKLIN: G or H.  
 13 MS. BENDICH: H, I think. Okay.  
 14 MR. BRICKLIN: It's H.  
 15 **Q. (By Ms. Bendich) Okay. Section H. And on the bottom there,**  
 16 **Mr. McConachie, there will be a summery -- a number of the**  
 17 **page.**  
 18 MR. BRICKLIN: H-71 in the lower right-hand corner.  
 19 **Q. (By Ms. Bendich) H-71.**  
 20 A. H-71, and it's identified as COS002228.  
 21 MR. BRICKLIN: And is it Exhibit H-70, preferred  
 22 Alternative Roosevelt Urban Village?  
 23 THE WITNESS: Urban village -- yes, Exhibit H-70, Proposed  
 24 Zoning Preferred Alternative Roosevelt Urban Village.  
 25 **Q. (By Ms. Bendich) So looking at that map, Mr. McConachie,**

1 you've mentioned in the northeast -- is it the northwest  
 2 quadrant of the existing Roosevelt village, that there was  
 3 community support for increasing the density there; is that  
 4 correct?  
 5 A. That's correct.  
 6 **Q. And has that -- at least in this revision, has that been**  
 7 **increased substantially?**  
 8 A. This is called out as residential small lot. So it has not  
 9 increased significantly, although a little.  
 10 **Q. And along this area, you're overlooking -- or you're near**  
 11 **the freeway; is that correct?**  
 12 A. That's correct.  
 13 **Q. What are the views from there?**  
 14 A. Pretty spectacular. Green Lake and the Olympic Mountains  
 15 are to the west. If you get a southern view, you get Lake  
 16 Union and the City of Seattle. Obviously most of these are  
 17 still single-family homes, so they're not standing tall to  
 18 get some of those views. Though, there has recently been  
 19 some apartment development around 67th that has just  
 20 commanding presence and views, I'm sure, to the south and  
 21 the -- and the west.  
 22 **Q. So there is apartment development going in currently**  
 23 **along -- I'm just asking -- along -- facing the freeway, and**  
 24 **close to the freeway, around 67th or 68th?**  
 25 A. Yeah. This is -- these are pretty desirable places, from

1 what I can see. I mean, there's a couple of problems here.  
 2 One, the old single-family homes are -- are little, wood  
 3 buildings. They're -- that's not a construction system that  
 4 is terribly good at -- at noise mitigation. The sound of  
 5 the freeway would be -- would be apparent; whereas, newer  
 6 construction, high-rise or mid-rise construction, is usually  
 7 concrete and steel, more density, is able to more  
 8 effectively deal with the noise challenge of a freeway.  
 9 And we see this all over our city and cities all over  
 10 the world. You know, Capitol Hill has apartments all along  
 11 the freeway because they have tremendous views of the Sound,  
 12 of Lake Union. I just got back from New York. My goodness,  
 13 the New Yorkers know how to build luxury apartments with  
 14 views because that's -- that's an unchangeable aspect of who  
 15 they are.  
 16 So I think the idea that modern construction and more  
 17 dense construction along a freeway -- I know there's been  
 18 often spoken of, well, we can't put poor people next to the  
 19 freeways. And I -- I kind of feel like that's a bit mythic  
 20 at this point in terms of the settlement patterns of what I  
 21 see in urban development around -- certainly around our  
 22 country and around the world. These would be pretty --  
 23 pretty nice places to live with the views.  
 24 **Q. And you're saying that there's community support, or there**  
 25 **has been community support for that particular area?**

1 A. In several meetings I attended, folks who lived there asked  
2 that their area be upzoned so that they could sell as a  
3 block of neighbors to a developer and move on.  
4 **Q. Okay. Now, Mr. McConachie, I also, I believe, asked you to**  
5 **point out inconsistencies with development into the Ravenna**  
6 **area with the comprehensive plan; is that correct?**  
7 A. Yes.  
8 **Q. And did I also inform you that somebody had already did**  
9 **that?**  
10 A. I do believe.  
11 **Q. So Mr. Steinbrueck had already had an exhibit, I believe**  
12 **it's No. 8. And if we could -- have you looked at that?**  
13 A. Yes, I have. The Inconsistent Comp Plan Policies by Topic?  
14 **Q. Yes. And would you just like to point out -- so we don't**  
15 **need a new exhibit here -- point out from that particular**  
16 **exhibit which particular points that are made in that**  
17 **exhibit apply equally as well here to the Ravenna community?**  
18 A. On page 1 of Exhibit 8, probably the most important is I --  
19 from any perspective is R-HP1, "Promote the preservation and  
20 maintenance of existing single-family homes in single-family  
21 zones, and control impacts to homes on the edge of the  
22 single-family zones." This gets to defining characteristics  
23 of neighborhoods and making sure we don't grow into them  
24 based on what I consider an arbitrary location of a  
25 10-minute walk. Promote -- another one just above that,

1 **that you wish to point out?**  
2 A. R-LUG1, "Foster development in a way that preserves  
3 single-family residentially-zoned enclaves and provides  
4 appropriate transitions to more dense or incompatible uses."  
5 Again, all of these deal with this same edge of  
6 neighborhood, historic district, coherent sense of intact  
7 single-family houses that just got included into something  
8 based on this random walk zone.  
9 **Q. Anything else?**  
10 A. I'm now moving to page 4 under historic resources, "Preserve  
11 the characteristics" -- this is GS 3.9, excuse me.  
12 "Preserve characteristics that contribute to communities'  
13 general identity such as block and lot patterns, and the  
14 areas of historic architectural or social significance."  
15 Again, I was trying to speak earlier to the settlement  
16 pattern of a development, and that changes over time. One  
17 of the beauties of -- of this little landmark area -- or  
18 excuse me -- historic district, is the settlement pattern,  
19 is the relationship of buildings, the -- the  
20 positive/negative aspect of how buildings sit on the land.  
21 And you -- you can't get that anymore. That happened in  
22 1910, 1920. The way we build today, it doesn't look like  
23 that.  
24 Last is LUG14, "Maintain the city's cultural identity  
25 and heritage." There's a little heritage opportunity that

1 R-LUG2, "Promote the growth of the Roosevelt Urban Village  
2 in a manner that concentrates residential and business uses  
3 on the commercial core, and near the light rail station,  
4 with less dense residential mixed use and commercial  
5 development along the commercial arterials that extend from  
6 the core." Within the neighborhood, there was a  
7 transitional aspect of higher in the center, more dense, and  
8 feathering out into the single-family neighborhoods around.  
9 **Q. So we don't have a camera in this hearing room. Could you**  
10 **just explain what you were just doing with your hands?**  
11 A. I'm -- I'm -- if you will, I'm wedding cake stepping down as  
12 we go from the center of the neighborhood to lower density,  
13 lower-rise units, extending into a single-family zone.  
14 **Q. And is there a nat- -- I won't call it natural, but is there**  
15 **a built-in boundary that has a stopping point in terms of**  
16 **your wedding cake, or whatever you want -- along the**  
17 **arterial?**  
18 A. We in the neighborhood thought 15th was that boundary. It's  
19 been a historic separation between Ravenna and Roosevelt,  
20 and that's part of the -- the challenge of why I'm here  
21 today is that we've sort of arbitrarily crossed the boundary  
22 based on this 10-minute radii that I believe was not well  
23 thought through. It lacked contextual understanding of the  
24 neighborhood.  
25 **Q. And did you have any other inconsistencies from Exhibit 8**

1 we're missing on, I believe.  
2 **Q. Okay. Thank you. Have you stated your -- you are an expert**  
3 **on landmarks and historic resources. So are you giving us**  
4 **your opinion based on your personal opinion here, or on your**  
5 **professional opinion as to whether this should be considered**  
6 **as a historic area?**  
7 A. I guess both. I -- I have dealt with landmark structures  
8 all over our state and nation. I try very hard in designing  
9 around and with landmark structures to understand the  
10 context of the broader neighborhood, and to make sure that  
11 as we change and grow and adapt to new critical needs for  
12 our society, that we maintain that sense of heritage and  
13 presence of a landmark, be it a district or a building, as  
14 well as accommodating growth. And I think there are  
15 opportunities here that have just simply not been carefully  
16 thought through.  
17 MS. BENDICH: Okay. Thank you. Do you have cross?  
18 Oh, you had a question. Sorry, Mr. Bricklin.  
19 (Inaudible colloquy)  
20 MR. WEBER: Could I just ask a clarification? I mean, I  
21 don't remember, is he actually one of your witnesses, David?  
22 MR. BRICKLIN: Yes. We adopted the -- Ravenna's --  
23 Ravenna-Cowen's witnesses. I just have one question, in any  
24 event.  
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DIRECT EXAMINATION

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6 BEFORE THE HEARING EXAMINER  
7 FOR THE CITY OF SEATTLE

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16 FRIENDS OF RAVENNA-COWEN

17 TRANSCRIPT EXCERPTS OF ANNE MCGOWAN

18  
19 FOR CLOSING ARGUMENT  
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<p style="text-align: right;">Page 213</p> <p>1 started calling and wanting to come over for tea to see the  2 inside of the house. And they'd come over and my husband  3 would spend time with them and -- yeah. It was really cool.  4 It was really cool. And her grandparents before they built  5 the home had lived on a reservation out north. I'm not sure  6 which one. But when she had gotten the house, the attic was  7 full of Native American baskets of which she got rid of all  8 of them and only kept one, and she sent it to us.</p> <p>9 <b>Q. Okay. These -- I'm going to next go through some</b>  10 <b>photographs of your home --</b></p> <p>11 <b>A. Okay.</b></p> <p>12 <b>MS. BENDICH:</b> For counsels' information, this is Friends  13 of Ravenna-Cowen Exhibit 47 and -- 47 through 52. And I'm  14 going to pass these over to the Hearing Examiner.  15 But I think it might be better, Mr. Examiner, just to put  16 a staple on these and count it as one exhibit, and then we  17 can go through it. It would make life a lot easier to go  18 through.</p> <p>19 <b>HEARING OFFICER:</b> We'll mark them as Exhibit 155 and label  20 them A through whatever they wind up as far as letters.  21 (Exhibit No. 155 marked for identification)</p> <p>22 <b>MS. BENDICH:</b> Okay.</p> <p>23 <b>Q. (By Ms. Bendich) So, Anne, these are in a bunch, but -- so</b>  24 <b>we're just going to go through them one by one.</b></p> <p>25 <b>A. Okay.</b></p>	<p style="text-align: right;">Page 215</p> <p>1 <b>Q. This is 155-C. That's your front porch?</b></p> <p>2 <b>A. Um-hum.</b></p> <p>3 <b>Q. And your home, is that in good condition?</b></p> <p>4 <b>A. It is.</b></p> <p>5 <b>Q. And do you keep it up?</b></p> <p>6 <b>A. I do.</b></p> <p>7 <b>Q. And then going to D of Exhibit 155, what's that?</b></p> <p>8 <b>A. That's a picture of my dining room.</b></p> <p>9 <b>Q. And I'm looking at all the fixtures. Are those -- when you</b>  10 <b>just said you were trying to keep this up as a Craftsman</b>  11 <b>home, were those Craftsman-type fixtures that you have?</b></p> <p>12 <b>A. They are.</b></p> <p>13 <b>Q. And then going to the last -- to the next to the last page,</b>  14 <b>which is E, what's that?</b></p> <p>15 <b>A. That's my alley.</b></p> <p>16 <b>Q. How large is that alley? Very big?</b></p> <p>17 <b>A. One car can go down it.</b></p> <p>18 <b>Q. And is that your car sticking out there?</b></p> <p>19 <b>A. It is.</b></p> <p>20 <b>Q. Can a garbage truck come down this alley?</b></p> <p>21 <b>A. No.</b></p> <p>22 <b>Q. And then F, what is that?</b></p> <p>23 <b>A. The next page?</b></p> <p>24 <b>Q. The last page, yes.</b></p> <p>25 <b>A. That's my parking in the back.</b></p>
<p style="text-align: right;">Page 214</p> <p>1 <b>Q. Okay. Okay. Showing you the first one, what is that a</b>  2 <b>picture of?</b></p> <p>3 <b>A. Those are the townhomes across the street from my house.</b></p> <p>4 <b>Q. So you said you lived on 15th Avenue Northeast?</b></p> <p>5 <b>A. I did.</b></p> <p>6 <b>Q. And is this a busy arterial?</b></p> <p>7 <b>A. It's a very busy arterial.</b></p> <p>8 <b>Q. Anne, is across the way the Roosevelt Urban Village? Across</b>  9 <b>the street?</b></p> <p>10 <b>A. I'm sorry?</b></p> <p>11 <b>Q. Is that called the Roosevelt Urban Village?</b></p> <p>12 <b>A. I think it is.</b></p> <p>13 <b>Q. Yeah. And going to the next page of Exhibit 155, what's</b>  14 <b>that?</b></p> <p>15 <b>HEARING OFFICER:</b> And we're going to call these A through  16 <b>F --</b></p> <p>17 <b>MS. BENDICH:</b> A, B --</p> <p>18 <b>HEARING OFFICER:</b> -- so just --</p> <p>19 <b>MS. BENDICH:</b> Okay.</p> <p>20 <b>Q. (By Ms. Bendich) Going to page -- this is the second page.</b>  21 <b>It's going to be called page B. What's that?</b></p> <p>22 <b>A. The house with the hedge around it is my house, looking at</b>  23 <b>it from across the street.</b></p> <p>24 <b>Q. And going to the next page, which is --</b></p> <p>25 <b>A. That's my front porch.</b></p>	<p style="text-align: right;">Page 216</p> <p>1 <b>Q. And is that you?</b></p> <p>2 <b>A. That's me.</b></p> <p>3 <b>Q. And your dog?</b></p> <p>4 <b>A. That's my dog.</b></p> <p>5 <b>Q. Is your property under 4,000 square feet in size?</b></p> <p>6 <b>A. Yes.</b></p> <p>7 <b>Q. Okay. And, Anne, how many children -- or do you have any</b>  8 <b>children?</b></p> <p>9 <b>A. I do.</b></p> <p>10 <b>Q. And they're all grown up now, right?</b></p> <p>11 <b>A. They are.</b></p> <p>12 <b>Q. And how many are there, three?</b></p> <p>13 <b>A. I have three children, two girls and a boy.</b></p> <p>14 <b>Q. And any grandchildren?</b></p> <p>15 <b>A. I have six grandchildren and one great grandson.</b></p> <p>16 <b>Q. And currently, who is living with you in your home?</b></p> <p>17 <b>A. My oldest granddaughter and my great grandson.</b></p> <p>18 <b>Q. And do you also have an apartment in your basement?</b></p> <p>19 <b>A. I do.</b></p> <p>20 <b>Q. And how did that come about?</b></p> <p>21 <b>A. How did that come about? Years ago -- my husband is an --</b>  22 <b>was an illustrator, and we built an apartment to have more</b>  23 <b>income.</b></p> <p>24 <b>Q. And did you do all the work yourselves?</b></p> <p>25 <b>A. Yes, we did.</b></p>

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15 FRIENDS OF RAVENNA-COWEN

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17 TRANSCRIPT EXCERPTS OF PETER STEINBRUECK

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19 FOR CLOSING ARGUMENT  
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1 Q. And what had you intended to do with part two with respect  
2 to identifying cohesive neighborhoods, for example?  
3 A. I had expected that the City would undertake another phase  
4 which would involve neighborhoods and the neighborhood  
5 planning process and all of the -- the application of the  
6 other criteria before establishing firmly a future land use  
7 map with a boundary adjustment.  
8 Q. And have you looked at the MHA proposal for expanding the  
9 Roosevelt neighborhood?  
10 A. Yes. The boundary, yes.  
11 Q. The boundary?  
12 A. Yeah.  
13 Q. Did that basically adopt these lines that you had put on  
14 this preliminary map?  
15 A. I would say not precisely but fairly closely, yes.  
16 Q. So it expanded it over to the Ravenna neighborhood?  
17 A. Yes.  
18 Q. And it's based entirely on the ten-minute walk shed that you  
19 had on your map?  
20 A. That's right. That's correct. Okay. Let me get this  
21 material out of my way here. Okay. So here we go.  
22 Q. So if you could identify that.  
23 A. Sure. Okay. We're looking at the EIS map of the -- oh,  
24 this is the University District EIS study. This is the  
25 University District.

1 Q. This is?  
2 A. Yeah, it's taken from that. And this is a map of the  
3 proposed zoning for alternative Roosevelt urban village.  
4 Q. Could you read for the hearing examiner --  
5 A. Yeah, okay.  
6 Q. -- the number down at the bottom?  
7 A. COS\_002228.  
8 Q. Okay. And looking at the expansion area that's shown on  
9 that proposed expansion of the Roosevelt urban village,  
10 could you describe that for us.  
11 A. The expansion areas --  
12 Q. Yes.  
13 A. -- on this map? Okay. The -- it appears that the entire  
14 expansion area proposed under MHA is to the east of north --  
15 of 15th Northeast and encompasses, oh, it looks like six or  
16 seven blocks.  
17 Q. And south of -- south of Northeast 65th Street?  
18 A. Oh, yeah. It starts at -- it's hard to read -- 70th.  
19 Q. It starts at 70th?  
20 A. Yeah.  
21 Q. And it continues south?  
22 A. It's south to Northeast 62nd.  
23 Q. To 62nd?  
24 A. Or adjacent to Ravenna Park.  
25 Q. Is that area that you had previously -- at least with

1 respect to the area south of Northeast 65th Street between  
2 Northeast 65th Street and Northeast -- and 62nd, is that the  
3 all single-family area that you were previously describing?  
4 A. Yes, it is, with the exception of 65th.  
5 Q. Okay. And these are all -- could you just describe in  
6 general -- I know you're not the historic resources person,  
7 but could you describe in general what those houses are  
8 like?  
9 A. Yes, I would say they're predominately early 20th Century  
10 teens and '20s smaller working class homes, for the most  
11 part of that era, with side yards, front yards, rear yards.  
12 The architectural character of those houses is predominately  
13 what might be called early -- what might be called early  
14 first generation craftsman style, which is expressive of  
15 framing and simplicity use of wood materials. They are  
16 virtually all wood -- there may be one or two exceptions,  
17 brick. But there's a consistency of style and period to  
18 those houses.  
19 Q. Have you actually walked in that area?  
20 A. Many times.  
21 Q. Are those homes well maintained?  
22 A. Mostly. Some have been let to get run down that were used  
23 as rentals and are boarded up or have been torn down.  
24 Q. Those are very few; is that correct?  
25 A. Very few around the 65th and 15th area.

1 Q. Okay.  
2 A. The so-called Sizely rentals (phonetic).  
3 Q. All right. I want to turn your attention to another section  
4 of your report.  
5 A. Okay. And we're using the -- we're referring to the City's  
6 redacted report.  
7 Q. The City's report.  
8 THE COURT: Exhibit 50.  
9 Q. (By Ms. Bendich) Exhibit 50.  
10 A. Exhibit 50. Okay.  
11 Q. I believe you said that you had compiled some data on the  
12 actual housing density at the time that you did the report  
13 in the Roosevelt urban village as it is in the solid lines,  
14 that's what I'm referring to. I'm not talking about across  
15 east to --  
16 A. The existing urban village boundaries, yes.  
17 Q. And is there a chart in here in your study that describes --  
18 THE COURT: Would you give us the page number, please.  
19 MS. BENDICH: I believe it's page 136.  
20 A. And Exhibit 50, page 136. Yes, I have it here.  
21 Q. (By Ms. Bendich) What is this chart? Describe for us what  
22 this chart is.  
23 A. Well, it's titled: Urban Village Measurable  
24 Characteristics. It's basically a set of data points for  
25 each of the urban villages and urban centers.

1 THE COURT: We'll take a break there and come back at  
2 10:30.  
3 (Recess)  
4 THE COURT: We return with continued Appellant direct  
5 on -- and I'm sorry, were you direct or cross? I wasn't --  
6 MS. BENDICH: I'm direct.  
7 THE COURT: Okay. For Steinbrueck. Okay. Thank you.  
8 MS. BENDICH: Yes. He was actually listed as a witness  
9 for us too.  
10 Q. (By Ms. Bendich) Mr. Steinbrueck, resuming your testimony  
11 from Friends of Ravenna-Cowen.  
12 Let's go back to the cover page again.  
13 A. Okay.  
14 Q. Let me ask you a couple of other questions before we get  
15 there.  
16 A. Sure. The cover page --  
17 Q. Meaning the one from the City of Seattle.  
18 A. From Diane Sugimura?  
19 Q. Right. As a planner, would you consider a ten-minute walk  
20 zone the only factor that should be considered when deciding  
21 whether to do an expansion of an urban village or upzoning?  
22 A. No.  
23 Q. Why not?  
24 A. It's a relatively new concept, and it is seen as an  
25 innovative planning tool around supporting walkable areas

1 the ground, DPD contracted with Steinbrueck Urban Strategies  
2 to conduct field analysis of all the potential boundary  
3 expansions. Some of the factors they considered were  
4 proposed UV boundary expansion should follow street grid but  
5 not divide a cohesive neighborhood or street."  
6 Did you --  
7 A. And also -- you left out two words there.  
8 Q. Oh.  
9 A. "Preferably arterials."  
10 Q. But not divide a cohesive neighborhood or street. In fact,  
11 does this report reflect that you actually considered those?  
12 And with respect to the Roosevelt urban village.  
13 A. I did, but the boundaries in the report were not fully  
14 informed by these criteria. They were primarily informed by  
15 the ten-minute distance they -- the metrics of travel by  
16 foot.  
17 Q. And that is -- when you say you considered it, is that  
18 anywhere in here in this report, that you considered that  
19 with respect to the Roosevelt urban village?  
20 A. No, I don't believe it is.  
21 Q. Now, let's assume that you are a reader of the MHA FEIS and  
22 you have these zoning maps that you've referred to here.  
23 Is there any way you could tell whether or not the  
24 Roosevelt urban village expansion is a cohesive  
25 neighborhood?

1 around transit centers as a factor to consider in land -- in  
2 urban planning through support walkability and transit  
3 ridership.  
4 Q. Okay. But is it the only factor that should be considered?  
5 A. Not by any means.  
6 Q. And why is that?  
7 A. There is much that is necessary to achieve true walkability,  
8 a neighborhood where people want to walk and a lot of  
9 environmental factors. And I would just mention things  
10 that -- we're talking about the walk shed itself now as a  
11 defining principle for addressing areas of concentrated  
12 density and future growth. But it ignores issues of  
13 neighborhood cohesion, of character -- historic character,  
14 esthetics, topography, underlying land uses, established  
15 built form, other physical -- both manmade or humanly  
16 made -- and natural conditions.  
17 Q. So if you were planning an expansion, would you want to  
18 consider -- truly consider all of those?  
19 A. I would. And I recommended that to the City in very clear  
20 and definitive terms.  
21 Q. Okay. Then turning your attention back to the cover page  
22 from Ms. Sugimura.  
23 A. Yes.  
24 Q. It says: "To test the boundaries" -- and this is, again,  
25 going to the third paragraph. "To test the boundaries on

1 A. No. Not any more than a map of the streets -- of the city  
2 streets, which is basically what that is. So it doesn't  
3 provide anything close to sufficient information.  
4 Q. So is there any information about that within the report to  
5 your -- to the best of your -- excuse me, in the FEIS to the  
6 best of your recollection?  
7 A. There are some descriptions, some narrative that is in the  
8 report that sort of generally describes some of the  
9 neighborhood characteristics and features that I saw on my  
10 field visits.  
11 Q. I'm not talking about your report.  
12 A. Yeah, I'm sorry.  
13 Q. I'm talking about the EIS.  
14 A. Oh, I'm sorry. So would you restate that, please.  
15 Q. Okay. To the best of your recollection -- and it's a big  
16 document -- in the MHA FEIS itself is there anything in  
17 there that could lead a reader to know that there was a  
18 cohesive neighborhood in the expansion area for the  
19 Roosevelt urban village?  
20 A. No.  
21 Q. Do you think that's important to have that information in  
22 there?  
23 A. Absolutely. And as a former decision maker on the city  
24 council, I would look for that information before  
25 determining such important enduring changing conditions in

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<p style="text-align: right;">Page 37</p> <p>1 THE WITNESS: There's no index. And --</p> <p>2 MR. BRICKLIN: But two documents --</p> <p>3 HEARING EXAMINER: Okay. So it's in Exhibit F. All</p> <p>4 right.</p> <p>5 THE WITNESS: Yeah.</p> <p>6 HEARING EXAMINER: That was --</p> <p>7 MR. WEBER: Judy, you could refer to the Bates number,</p> <p>8 too, if you wanted to. That would help orient if there's</p> <p>9 nothing else you can rely on.</p> <p>10 MS. BENDICH: There is -- it's Exhibit 2, which is the MHA</p> <p>11 FEIS, and then it goes -- when you go to Appendix F, you</p> <p>12 have to go in a couple of pages.</p> <p>13 MR. MITCHELL: Is it -- did you have it open in the big --</p> <p>14 I was just wondering if there was a Bates number you could</p> <p>15 refer to, because then we could all get to it. Not on</p> <p>16 yours. I don't (inaudible).</p> <p>17 HEARING EXAMINER: 002066.</p> <p>18 MR. BRICKLIN: He got it, Judy, yeah.</p> <p>19 <b>Q. (By Ms. Bendich) So, Mr. Stewart, have you reviewed this</b></p> <p>20 <b>section of the EIS on MHA development examples?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. So first let's just go to residential small lot, section --</b></p> <p>23 <b>does it have a page down at the bottom of that?</b></p> <p>24 MR. BRICKLIN: 10.</p> <p>25 MS. BENDICH: Huh?</p>	<p style="text-align: right;">Page 39</p> <p>1 <b>Q. Okay. So is it your understanding that the minimum size lot</b></p> <p>2 <b>that's required for a low-rise 1 is 5,000 square feet?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. And for low-rise 2, I think if you turn to page 30 --</b></p> <p>5 A. Minimum lot size is 10,000 square feet.</p> <p>6 <b>Q. Now, Mr. Stewart, have you reviewed the lot sizes for every</b></p> <p>7 <b>house in the Ravenna-Cowen North Historic District?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. And where did you get those records from?</b></p> <p>10 A. Again, I -- I -- from MetroScan.</p> <p>11 <b>Q. MetroScan. Do you mean from the King County -- did that</b></p> <p>12 <b>come from the King County Assessor?</b></p> <p>13 A. The -- they came from my title insurance representative. So</p> <p>14 for each -- for each parcel, I have a -- a square footage</p> <p>15 lot.</p> <p>16 <b>Q. Okay. So let's first turn our attention to the area that's</b></p> <p>17 <b>east of 15th Avenue Northeast on this map, proposed upzone.</b></p> <p>18 <b>And due east, just along 15th Avenue Northeast, what is the</b></p> <p>19 <b>proposed upzoning?</b></p> <p>20 A. Due east of 15th?</p> <p>21 <b>Q. Yes. And just below Northeast 65th Street.</b></p> <p>22 A. So between 63rd and --</p> <p>23 <b>Q. On 15th.</b></p> <p>24 A. -- and on 15th is LR1. LR -- LR2. I'm sorry, LR1, yep.</p> <p>25 The LR2 is across -- is on the west side of the street. LR1</p>
<p style="text-align: right;">Page 38</p> <p>1 MR. BRICKLIN: Page 10.</p> <p>2 MS. BENDICH: Page 10. Yes, I'm sorry. It's right in</p> <p>3 front of me.</p> <p>4 A. Yes, that's the beginning of this section.</p> <p>5 <b>Q. (By Ms. Bendich) Okay. So what are the requirements for --</b></p> <p>6 <b>just the lot size requirements for building residential</b></p> <p>7 <b>small lot?</b></p> <p>8 A. 2,000 square feet. Maximum density is one unit per 2,000</p> <p>9 square feet of lot area.</p> <p>10 <b>Q. So what's the size of the overall lot that you need to have</b></p> <p>11 <b>for a residential small lot?</b></p> <p>12 A. The smallest lot that you can have for an attached townhome</p> <p>13 is 4,000 square feet.</p> <p>14 <b>Q. And then if we go to the section on low-rise 1 --</b></p> <p>15 A. That's page 18.</p> <p>16 <b>Q. Beginning of page 18, or is it 20? What have you got?</b></p> <p>17 A. 18 is beginning of low-rise, and --</p> <p>18 <b>Q. And there are specification --</b></p> <p>19 A. And 20 is low-rise 1.</p> <p>20 <b>Q. And lower --</b></p> <p>21 A. And the lot size is -- is 5,000 square feet.</p> <p>22 <b>Q. So that's --</b></p> <p>23 A. For apartments.</p> <p>24 <b>Q. All right. Just let me ask.</b></p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 40</p> <p>1 is on the east side of the street.</p> <p>2 <b>Q. The LR1 zoning, does that run from Northeast 65th Street all</b></p> <p>3 <b>the way south to Northeast 62nd Street?</b></p> <p>4 A. No.</p> <p>5 <b>Q. And so it's just -- it affects some of the lots that are</b></p> <p>6 <b>closer to Northeast 65th Street; is that correct?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. Okay. And what's the lot size again that we have to have</b></p> <p>9 <b>for an LR1?</b></p> <p>10 A. 5,000.</p> <p>11 <b>Q. LR1, I think -- okay, yes. Okay. And have you taken a look</b></p> <p>12 <b>at all of the lot sizes from heading south from Northeast</b></p> <p>13 <b>65th Street down to Northeast 62nd Street along 15th Avenue</b></p> <p>14 <b>Northeast?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. And what -- are those lot sizes 4,000 square feet?</b></p> <p>17 A. No. They're all under 4,000 square feet.</p> <p>18 <b>Q. And the minimum lot size, even for a residential small lot</b></p> <p>19 <b>is what?</b></p> <p>20 A. 5,000 --</p> <p>21 <b>Q. Four --</b></p> <p>22 A. 4,000 for a residential small lot.</p> <p>23 <b>Q. And you said 5,000 is LR1?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. Okay. So even though it's now showing as a proposal to</b></p>

1 upzone it to LR1 -- and LR1 is 5,000; is that right? And  
 2 then south of Northeast 63rd Street to residential small  
 3 lot --  
 4 A. Yes.  
 5 Q. -- which you said was 4,000 square feet; with the current  
 6 lot size, is that possible?  
 7 A. Not on an individual lot.  
 8 Q. And what would you have to do in order to make it so that it  
 9 was buildable up to those specifications?  
 10 A. You'd have to combine all lots.  
 11 Q. And have developers been trying to do that along  
 12 Northeast -- 15th Avenue Northeast?  
 13 A. Yes.  
 14 Q. And we heard, I believe, testimony from Ms. Ann McGowan the  
 15 other day about the developers and the efforts that were  
 16 going on on that street. So are you aware of any developers  
 17 who are owning property along -- or had property along that  
 18 area that's being proposed as LR1?  
 19 A. Yes.  
 20 Q. Okay. And then let's just go to 16th Avenue Northeast from  
 21 65th Street Northeast on the north, to Northeast 62nd  
 22 Street.  
 23 A. Uh-huh.  
 24 Q. Along the west side, so backing where Ms. Ann McGowan's  
 25 house is, and going down Northeast 60 -- 16th Northeast, and

1 Northeast, those corner lots are odd shaped, and those are  
 2 the only lots that are over 5,000 square feet. But they're  
 3 odd shaped. They're not rectangular.  
 4 Q. And the other ones are all less than 5,000?  
 5 A. Yes.  
 6 Q. And you just mentioned alleys. Have you also walked the  
 7 alleys?  
 8 A. Yes.  
 9 Q. Okay. So let's take the alley right in back of  
 10 Ms. McGowan's, between Ms. McGowan's house and Mr. Gania's  
 11 house.  
 12 A. Uh-huh.  
 13 Q. Did you measure that alley?  
 14 A. That's a 10-foot alley.  
 15 Q. And I believe they testified that the garbage trucks  
 16 couldn't get through. Did you have concerns about that  
 17 alley?  
 18 A. Well, it's garbage trucks, fire trucks, and access for any  
 19 multifamily development along 15th.  
 20 Q. How about big construction trucks?  
 21 A. The challenge with this -- this -- the configuration of this  
 22 plat is that the streets are only 30 feet wide. Everything  
 23 that runs east/west is only 30 feet wide. And so when you  
 24 park cars on both sides of those streets, both the north  
 25 side and the south side, and you're trying to approach a

1 where Mr. Gania's [phonetic] home is, what are the lot sizes  
 2 there?  
 3 A. 4,000 -- less than 4,000 square feet.  
 4 Q. So there, too, there's -- these would be less even than the  
 5 residential small lot?  
 6 A. Yes.  
 7 Q. Now, in looking at the zoning in the Cowen area, you  
 8 mentioned that you needed -- that there were actually some  
 9 areas here that were LR1, and those are shown by the  
 10 crosshatching --  
 11 A. Yes.  
 12 Q. -- in the darker tan color. And those require 5,000 square  
 13 feet; is that right?  
 14 A. Yes.  
 15 Q. And did you find any properties that were 5,000 square feet?  
 16 A. The properties that I found that were -- that were -- the  
 17 only properties I found that were over 5,000 square feet  
 18 were sort of odd-shaped parcels at the end of a block.  
 19 You'll -- you'll notice that 63rd Street comes at an angle  
 20 at the northern border of that. 63rd, in the middle of  
 21 that, that zone. The edge of the zone on the north side, if  
 22 we're staying between 15th Avenue Northeast and Brooklyn  
 23 Avenue Northeast, the northern edge of that zone, L1, is  
 24 actually an alley. And at the -- where those 63rd and the  
 25 alley intersect with, for example, Brooklyn Avenue

1 10-foot alley with a large vehicle, it -- it doesn't work.  
 2 I -- my office is at home, and -- and I live across from one  
 3 of those alleys. And frequently we hear the sound of  
 4 garbage trucks honking to have people move their cars out of  
 5 the -- out of the parking places.  
 6 Q. Okay. And then let's take -- let's go up the next alley.  
 7 Is there an alley between 16th Avenue Northeast and 17th  
 8 Avenue Northeast?  
 9 A. Yes.  
 10 Q. And tell us about that alley.  
 11 A. So, one of the issues that I found in -- in reviewing the  
 12 EIS statement was that there's no attention to elevations,  
 13 to grades that take place in the -- on the -- on the -- on  
 14 the ground. And so in this case, 65th Street rises  
 15 substantially from 16th to 17th. It also falls from 65th to  
 16 63rd. So there's a high point at the intersection of 65th  
 17 and 17th. Halfway between 16th and 17th, there's an alley.  
 18 That alley is unimproved. It is grass for the first two  
 19 parcels coming from 65th. When you take into -- when you  
 20 walk that alley and look down into the properties that are  
 21 on 16th, you see that the -- the properties have been  
 22 graded, level, and that the alley at the highest point is  
 23 over 10 feet above the backyard of the house on -- on 16th.  
 24 And over the course of time, nobody has been able to build  
 25 anything at the alley level on the west side of that alley.

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 NICK WELCH

FOR CLOSING ARGUMENT

## 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	146	147
	Long Term Control Plan Update		
303	Excerpt from Sammamish Town Center EIS	175	175
304	Historic resource section of draft EIS	220	221

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

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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

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

1 **Roosevelt Urban Village whether there's room for the**  
2 **expanded capacity for MHA?**  
3 A. I'm not sure I understand the question.  
4 **Q. I'll just read something. Do you know within the current**  
5 **boundaries of the Roosevelt Urban Village whether there's**  
6 **room for the expanded capacity?**  
7 A. I believe that's verbatim the question you asked me a moment  
8 ago. The part I'm unclear about is the expanded capacity, I  
9 don't know exactly what that refers to.  
10 **Q. The zoning capacity within the Roosevelt Urban Village as it**  
11 **currently is?**  
12 A. I believe there is zoning capacity in the existing boundary  
13 of the Roosevelt Urban Village. I don't know what you mean  
14 by expanded zoning capacity.  
15 **Q. Let me go back to the beginning of that. What I mean is**  
16 **expanded zoning capacity to meet the MHA criteria.**  
17 A. Once again, I'm not sure what you mean by the MHA criteria.  
18 **Q. So could you turn to page 82 through 83 of your deposition.**  
19 **And I'd like you to -- you can take a look at the earlier**  
20 **sections on beginning on growth capacity -- oh, starting**  
21 **around line 3, but continue down to line 16 on page 83 if**  
22 **you can take a look at that?**  
23 A. Line 3 on which page?  
24 **Q. Eighty-two.**  
25 A. To what line did you say on 83?

1 **Q. Could you just read us your answer at lines 13 through 16 to**  
2 **that question?**  
3 A. On page 83?  
4 **Q. Yes.**  
5 A. Well, it's not just me working on this proposal, but our  
6 staff team concluded that we had a principle of expanding  
7 those urban villages identified as having frequent transit  
8 based on the 10-minute walk shed concept.  
9 **Q. So as a matter of principle, whether or not there was**  
10 **capacity in the urban village for MHA purposes, there was**  
11 **going to be an expansion, based on the 10-minute walk zone**  
12 **from rapid transit, correct?**  
13 A. The 10-minute walk shed concept was one of the principles  
14 that we used in developing the MHA proposal --  
15 **Q. And that was a matter of principle; is that right?**  
16 A. Well, I'm using the word principle because we had a process  
17 and a document that we called the principles for MHA  
18 implementation, but more generally, yes, that was one of the  
19 components of the MHA proposal was to expand certain urban  
20 village boundaries.  
21 **Q. And when was that principle established? When did that**  
22 **principle come into existence?**  
23 A. Do you mean that concept generally or the MHA --  
24 **Q. The principle, the principle here. You used the word**  
25 **principle, not me.**

1 **Q. Sixteen?**  
2 A. Okay, I've read that.  
3 **Q. All right. So at the time you answered this question, I**  
4 **believe you thought you understood it in any event, correct?**  
5 A. I did answer that question at the time, yes.  
6 **Q. And you said, yes, there is remaining zoning capacity in the**  
7 **existing urban village.**  
8 A. Yes. And that's exactly the answer I gave a moment ago to  
9 the question that I did think I could answer.  
10 **Q. Okay. And did you consider that expansion -- did you**  
11 **consider that capacity when you, and I mean OPCD, expanded**  
12 **the Roosevelt Urban Village boundaries?**  
13 A. Yes.  
14 **Q. Did you consider that through the EIS process?**  
15 A. Yes, that is included in the EIS.  
16 **Q. Okay. And did OPCD consider it whether it was really**  
17 **necessary to expand the boundaries of the Roosevelt Urban**  
18 **Village when that capacity existed within the current**  
19 **boundaries of the Roosevelt Urban Village?**  
20 A. Yes. We considered the existing zoning capacity in the  
21 urban village as part of developing the alternatives in the  
22 Preferred Alternative.  
23 **Q. And what did you conclude?**  
24 A. We concluded that there is zoning capacity in the existing  
25 urban village boundary.

1 A. Yes. In that context, I'm referring to, again, what we  
2 called the principles for MHA implementation, which we  
3 developed through community -- with community input, I  
4 believe, in the early phase of developing the MHA proposal,  
5 probably in 2015, maybe early 2016.  
6 **Q. So wouldn't it be fair to say that it really didn't matter**  
7 **after the EIS was issued what the public had to say about**  
8 **it? This was the principle and this is what it was going to**  
9 **be, correct?**  
10 A. No, I don't agree with that. The draft EIS alternatives  
11 themselves varied the size of the urban village expansion  
12 area as we've discussed. And, likewise, as I mentioned  
13 earlier, the specific block by block choices or the  
14 decisions that we had to make about where that boundary  
15 expansion went was something we look to public input to and  
16 form.  
17 **Q. Okay. But generally, generally, there was going to be an**  
18 **expansion --**  
19 MR. WEBER: Objection, asked and answered.  
20 THE COURT: Sustained.  
21 MS. BENDICH: I haven't even asked yet.  
22 **Q. (By Ms. Bendich) So with respect to the Roosevelt Urban**  
23 **Village expansion, there was no change based on public**  
24 **comment, was there?**  
25 A. Is there a certain period of time you're asking about

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6 BEFORE THE HEARING EXAMINER  
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16 FRIENDS OF RAVENNA-COWEN

17 TRANSCRIPT EXCERPTS OF GEOFFREY WENTLANDT

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19 FOR CLOSING ARGUMENT  
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<p style="text-align: right;">Page 225</p> <p>1 MS. NEWMAN: Cross.</p> <p>2 HEARING EXAMINER: Cross.</p> <p>3 MS. BENDICH: I mean cross.</p> <p>4 MS. NEWMAN: The prehearing order allowed new exhibits.</p> <p>5 MS. BENDICH: Yeah. I thought the prehearing order</p> <p>6 allowed that on cross-examination. That's what I've been</p> <p>7 doing all along here.</p> <p>8 HEARING EXAMINER: Introducing new exhibits?</p> <p>9 MS. BENDICH: Yes.</p> <p>10 MS. NEWMAN: On cross.</p> <p>11 MS. BENDICH: On cross-examination.</p> <p>12 HEARING EXAMINER: I don't recall that.</p> <p>13 MS. BENDICH: Well, I have.</p> <p>14 THE COURT: Well, it must have been a different hearing.</p> <p>15 MR. KISIELIUS: New exhibits that weren't identified on</p> <p>16 the exhibit list?</p> <p>17 MS. BENDICH: Yes.</p> <p>18 HEARING EXAMINER: Yes. That's what I've been told. I</p> <p>19 don't recall that having happened here at all.</p> <p>20 Does the City have a copy or do you have a copy?</p> <p>21 MS. BENDICH: I don't have a copy.</p> <p>22 HEARING EXAMINER: And that's --</p> <p>23 MS. BENDICH: That's why I wanted to make additional</p> <p>24 copies and to admit later.</p> <p>25 HEARING EXAMINER: Please make a copy, then.</p>	<p style="text-align: right;">Page 227</p> <p>1 A. Do you know which binder that is?</p> <p>2 Q. I don't. But I'm going to give you two pages from it --</p> <p>3 A. Okay.</p> <p>4 Q. -- that I'm going to ask you questions about. Is that okay?</p> <p>5 A. Sure.</p> <p>6 Q. Okay. I believe you testified that the study was</p> <p>7 undertaken, but that -- and I can't remember your precise</p> <p>8 words, but that it was really just not really used. Why</p> <p>9 don't you tell us what you used it for.</p> <p>10 A. Well, my -- I think my testimony was that this was not an</p> <p>11 adopted -- it was not a formally adopted, you know, plan or</p> <p>12 study. It was an advisory report and an advisory study, as</p> <p>13 described in the cover memo here. It is one of the</p> <p>14 documents that preparers of the EIS looked at in shaping</p> <p>15 potential urban village boundary expansions.</p> <p>16 Q. Okay. So it's one of them. And one of them was that you</p> <p>17 were -- where it says here on the cover page from the</p> <p>18 director of the then Department of Planning and Development,</p> <p>19 proposed UV boundary expansion should follow street grid,</p> <p>20 preferably arterials, but not divide a cohesive</p> <p>21 neighborhood. You rejected that; is that correct?</p> <p>22 A. No. I did not reject that.</p> <p>23 Q. Is it rejected in the MHA FEIS?</p> <p>24 A. I don't think it's rejected. I think it's one of a number</p> <p>25 of factors that's, you know, considered.</p>
<p style="text-align: right;">Page 226</p> <p>1 MS. BENDICH: Okay. The question is exactly when I can</p> <p>2 get this back in. If Mr. Wentlandt is testifying tomorrow,</p> <p>3 I certainly could do that.</p> <p>4 HEARING EXAMINER: I don't know.</p> <p>5 MS. BENDICH: Okay. Right. This is -- this is in your</p> <p>6 order on the prehearing order. It is Footnote 2. It says,</p> <p>7 Except for purposes of impeachment or rebuttal, only</p> <p>8 those --</p> <p>9 HEARING EXAMINER: This is not rebuttal. This is cross.</p> <p>10 MS. NEWMAN: And impeachment.</p> <p>11 MS. BENDICH: And impeachment.</p> <p>12 HEARING EXAMINER: All right. You didn't say impeachment.</p> <p>13 MS. BENDICH: Okay. I'm sorry. I did not.</p> <p>14 HEARING EXAMINER: And you need to clarify it. And you do</p> <p>15 need to come prepared with copies.</p> <p>16 MS. BENDICH: Okay.</p> <p>17 HEARING EXAMINER: We do not provide copying services</p> <p>18 except in emergency situations.</p> <p>19 MS. BENDICH: I understand. I completely understand that,</p> <p>20 and it's my fault.</p> <p>21 Q. (By Ms. Bendich) Okay. With respect to the uptown EIS, did</p> <p>22 you ever see the budget on that?</p> <p>23 A. I don't think so. I don't -- I don't recall.</p> <p>24 Q. All right. I'd like to turn to Hearing Examiner Exhibit 50,</p> <p>25 which is Mr. Steinbrueck's study.</p>	<p style="text-align: right;">Page 228</p> <p>1 Q. It was considered. So let's take the Roosevelt expansion</p> <p>2 where it expands to the east of 15th Avenue Northeast.</p> <p>3 That's a cohesive neighborhood on the east side of 15th</p> <p>4 Avenue Northeast, is it not?</p> <p>5 A. I would say it's cohesive. It's also cohesive with the</p> <p>6 portion of the neighborhood to the west of 15th Avenue</p> <p>7 Northeast.</p> <p>8 Q. Yes. To the Cowen area; is that correct? You've heard --</p> <p>9 you were sitting here through the testimony.</p> <p>10 A. Yeah. I don't know exactly what you mean by the Cowen area,</p> <p>11 but I would say that it's fair to say that it's cohesive on</p> <p>12 both sides; that it's, you know, cohesive across 15th.</p> <p>13 Q. All right. You heard testimony from others that there</p> <p>14 have -- there are no commercial buildings, other than along</p> <p>15 15th, other than a long 65th Street that are east of 15th</p> <p>16 Avenue Northeast, did you not?</p> <p>17 A. I don't remember that specific testimony, but I -- that</p> <p>18 sounds consistent with my understanding.</p> <p>19 Q. And that there are no multistory apartment buildings, other</p> <p>20 than along Northeast 65th Street within that area that's</p> <p>21 east of Northeast 15th, correct?</p> <p>22 A. I can't say for certain whether that's correct or not. I</p> <p>23 also don't recall the specific testimony you're referring</p> <p>24 to.</p> <p>25 Q. Okay. So let us just assume that it is. You said that</p>

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6 BEFORE THE HEARING EXAMINER  
7 FOR THE CITY OF SEATTLE

8 In the Matter of the Appeals of ) Hearing Examiner File:  
9 WALLINGFORD COMMUNITY ) **W-17-006 through**  
COUNCIL, ET AL. ) W-17-014  
10 Of Adequacy of FEIS Issued by the )  
11 Director, Office of Planning and )  
Community Development )  
12

13  
14  
15 FRIENDS OF RAVENNA-COWEN

16  
17 TRANSCRIPT EXCERPTS OF WOODROW WHEELER

18  
19 FOR CLOSING ARGUMENT  
20  
21  
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24  
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economically useful?

A. We couldn't have, no.

**Q.** And so in consideration between the additional 10 feet allowed to build and the requirements of how you take advantage of that through a different construction compared against the cost and the additional fees associated with either the rent restriction requirement or the MHA fees, you feel like that would not pencil out as positive to a project like yours?

A. Yeah, and that could make it tough to pull out a quality project, yeah.

**Q.** Okay. Did you consider waiting or contacting the city to see if you could take advantage of MHA prior to going through your project permitting process?

A. No.

**Q.** And why didn't you choose to wait and take advantage of those things?

A. Well, I think we're actually going to be in there before it takes place. I'm mainly concerned about what's going to happen after us, you know. How the rest of the buildings -- the upzones all around the Junction will easily be taken out -- they can easily do that. But in the Junction, it's going to be hard to build a 95-foot concrete building and still provide reasonable rent for any kind of commercial, which I hope the Junction will stay as the main

**Q.** Are you aware of any study or analysis that confirms your concerns that you've expressed about any of the impacts on the buildings to follow your project?

A. No, I am not.

MR. JOHNSON: Nothing further.

THE WITNESS: Is there?

HEARING EXAMINER: Question, I think you were describing an area called the triangle. Is that locally referred to -- can you help me understand where that is?

THE WITNESS: That is -- if you look at that map, it's the -- it's the furthest part that's orange. And you can see a diagonal --

MR. BRICKLIN: Furthest east, northeast.

THE WITNESS: Furthest east --

MR. BRICKLIN: Northeast.

THE WITNESS: To the north --

HEARING EXAMINER: So it's bordered by Fauntleroy Way Southwest.

THE WITNESS: And then Alaska Street to the south.

HEARING EXAMINER: Okay.

THE WITNESS: And 35th to the east.

HEARING EXAMINER: Excellent.

THE WITNESS: And that is all zoned for development.

HEARING EXAMINER: Thank you, Mr. Miller.

THE WITNESS: Thank you.

commercial district.

**Q.** So when you take into consideration the potential added cost of accommodating the qualities that you consider to be important to our neighborhood and community and you weigh that against the additional requirements and cost of MHA, you would feel like there'd be a potential -- is it true that you would feel like there's a potential difficulty for developers to follow your project if an MHA were in effect?

A. Yeah, that's my concern is that they won't continue to build quality buildings that keep West Seattle Junction downtown.

**Q.** Are you aware of any economic study or analysis that the city may have provided for a building like yours that would have revealed whether or not those economic possibilities were made more difficult or less difficult?

A. No, I have not.

**Q.** You're not aware of any such study?

A. (No audible response.)

**Q.** Are you aware of any contact within an MHA FEIS might have revealed the unique situation that you feel that you're in with this particular structure or project?

A. No.

MR. KOEHLER: Okay. I have no further questions.

HEARING EXAMINER: Cross.

CROSS EXAMINATION

BY MR. JOHNSON:

HEARING EXAMINER: Please state your name and spell it for the record.

THE WITNESS: Yes, Woodrow Kenneth Wheeler, W-O-O-D-R-O-W Kenneth, K-E-N-N-E-T-H, Wheeler, W-H-E-E-L-E-R.

HEARING EXAMINER: And do you swear or affirm that the testimony you provide for today's hearing will be the truth.

THE WITNESS: I do.

HEARING EXAMINER: Thank you.

WOODROW KENNETH WHEELER: Witness herein, having first been duly sworn on oath, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. BENDICH:

**Q.** Mr. Wheeler, would you please tell us your background, both educational and then what you do.

A. Okay. I'll start with educational. I studied wildlife biology at University of Montana. And I ended up getting an environmental studies and geography degree, two degrees Western Washington University. Since then at the University of Washington I took ornithology and wildlife conservation. And I also took the master birding program at Seattle Audubon, the bird biology class at Cornell Lab of Ornithology, and the certificate program through the

1 economically useful?  
 2 A. We couldn't have, no.  
 3 Q. And so in consideration between the additional 10 feet  
 4 allowed to build and the requirements of how you take  
 5 advantage of that through a different construction compared  
 6 against the cost and the additional fees associated with  
 7 either the rent restriction requirement or the MHA fees, you  
 8 feel like that would not pencil out as positive to a project  
 9 like yours?  
 10 A. Yeah, and that could make it tough to pull out a quality  
 11 project, yeah.  
 12 Q. Okay. Did you consider waiting or contacting the city to  
 13 see if you could take advantage of MHA prior to going  
 14 through your project permitting process?  
 15 A. No.  
 16 Q. And why didn't you choose to wait and take advantage of  
 17 those things?  
 18 A. Well, I think we're actually going to be in there before it  
 19 takes place. I'm mainly concerned about what's going to  
 20 happen after us, you know. How the rest of the  
 21 buildings -- the upzones all around the Junction will easily  
 22 be taken out -- they can easily do that. But in the  
 23 Junction, it's going to be hard to build a 95-foot concrete  
 24 building and still provide reasonable rent for any kind of  
 25 commercial, which I hope the Junction will stay as the main

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 2 concerns that you've expressed about any of the impacts on  
 3 the buildings to follow your project?  
 4 A. No, I am not.  
 5 MR. JOHNSON: Nothing further.  
 6 THE WITNESS: Is there?  
 7 HEARING EXAMINER: Question, I think you were describing  
 8 an area called the triangle. Is that locally referred  
 9 to -- can you help me understand where that is?  
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 11 the -- it's the furthest part that's orange. And you can  
 12 see a diagonal --  
 13 MR. BRICKLIN: Furthest east, northeast.  
 14 THE WITNESS: Furthest east --  
 15 MR. BRICKLIN: Northeast.  
 16 THE WITNESS: To the north --  
 17 HEARING EXAMINER: So it's bordered by Fauntleroy Way  
 18 Southwest.  
 19 THE WITNESS: And then Alaska Street to the south.  
 20 HEARING EXAMINER: Okay.  
 21 THE WITNESS: And 35th to the east.  
 22 HEARING EXAMINER: Excellent.  
 23 THE WITNESS: And that is all zoned for development.  
 24 HEARING EXAMINER: Thank you, Mr. Miller.  
 25 THE WITNESS: Thank you.

1 commercial district.  
 2 Q. So when you take into consideration the potential added cost  
 3 of accommodating the qualities that you consider to be  
 4 important to our neighborhood and community and you weigh  
 5 that against the additional requirements and cost of MHA,  
 6 you would feel like there'd be a potential -- is it true  
 7 that you would feel like there's a potential difficulty for  
 8 developers to follow your project if an MHA were in effect?  
 9 A. Yeah, that's my concern is that they won't continue to build  
 10 quality buildings that keep West Seattle Junction downtown.  
 11 Q. Are you aware of any economic study or analysis that the  
 12 city may have provided for a building like yours that would  
 13 have revealed whether or not those economic possibilities  
 14 were made more difficult or less difficult?  
 15 A. No, I have not.  
 16 Q. You're not aware of any such study?  
 17 A. (No audible response.)  
 18 Q. Are you aware of any contact within an MHA FEIS might have  
 19 revealed the unique situation that you feel that you're in  
 20 with this particular structure or project?  
 21 A. No.  
 22 MR. KOEHLER: Okay. I have no further questions.  
 23 HEARING EXAMINER: Cross.  
 24 CROSS EXAMINATION  
 25 BY MR. JOHNSON:

1 HEARING EXAMINER: Please state your name and spell it for  
 2 the record.  
 3 THE WITNESS: Yes, Woodrow Kenneth Wheeler, W-O-O-D-R-O-W  
 4 Kenneth, K-E-N-N-E-T-H, Wheeler, W-H-E-E-L-E-R.  
 5 HEARING EXAMINER: And do you swear or affirm that the  
 6 testimony you provide for today's hearing will be the truth.  
 7 THE WITNESS: I do.  
 8 HEARING EXAMINER: Thank you.  
 9  
 10 WOODROW KENNETH WHEELER: Witness herein, having first been  
 11 duly sworn on oath, was examined  
 12 and testified as follows:  
 13  
 14 DIRECT EXAMINATION  
 15 BY MS. BENDICH:  
 16 Q. Mr. Wheeler, would you please tell us your background, both  
 17 educational and then what you do.  
 18 A. Okay. I'll start with educational. I studied wildlife  
 19 biology at University of Montana. And I ended up getting an  
 20 environmental studies and geography degree, two degrees  
 21 Western Washington University. Since then at the University  
 22 of Washington I took ornithology and wildlife conservation.  
 23 And I also took the master birding program at Seattle  
 24 Audubon, the bird biology class at Cornell Lab of  
 25 Ornithology, and the certificate program through the

1 moment?  
 2 HEARING EXAMINER: 188.  
 3 MS. BENDICH: So I offer and move that that exhibit be  
 4 admitted.  
 5 (Exhibit No. 188 marked for identification.)  
 6 HEARING EXAMINER: Any objection?  
 7 MR. JOHNSON: No objection.  
 8 HEARING EXAMINER: 188 is admitted.  
 9 (Exhibit No. 188 admitted into evidence.)  
 10 **Q. (By Ms. Bendich) So you've mentioned some of the places**  
 11 **where you went to -- had your education. So as a result of**  
 12 **that, do you have training in bird and wildlife**  
 13 **identification?**  
 14 A. Yes.  
 15 **Q. All right. And do you consider yourself with a lot of**  
 16 **expertise, let's say for birds?**  
 17 A. Yes.  
 18 **Q. And their habitats?**  
 19 A. Yes.  
 20 **Q. And --**  
 21 A. Wildlife too.  
 22 **Q. And wildlife as well. And if you were -- and where do you**  
 23 **live?**  
 24 A. In Ravenna.  
 25 **Q. In Ravenna.**

1 A. I live one-half block from this proposed up zone.  
 2 **Q. Okay. And if you were leading a tour into Ravenna Park, and**  
 3 **we've had some testimony -- we've had some testimony already**  
 4 **about Ravenna Park, but if you were leading a tour in**  
 5 **Ravenna Park, what are some of the key features you would**  
 6 **identify?**  
 7 A. Yes. And I have led tours in Ravenna Park, a number of  
 8 them.  
 9 **Q. Okay.**  
 10 A. But I like doing it because it has most of the tree species  
 11 that you find in Western Washington you can find there.  
 12 It's a mature second growth forest naturally regrown. And  
 13 it has like the big trees of the Pacific Northwest, the  
 14 Douglas firs, the Western Hemlocks, the Western Red Cedars.  
 15 It also has quite a few yew trees, which from an ethnobotany  
 16 standpoint are fascinating because that's an example of a  
 17 tree that used to be thought of as a junk tree or a tree to  
 18 get rid of in land clearing and logging operations. And  
 19 then they discovered taxol in the bark, which is now being  
 20 used extensively in the treatment of ovarian and other forms  
 21 of cancer. And that's in Ravenna Park.  
 22 So I talk about ethnobotany, the uses of all the different  
 23 trees that are there. I also talk about the glaciation that  
 24 happened because it's a glacially carved ravine and has a  
 25 huge glacial erratic bolder right in the bottom. That's

1 where the young people like to hang out by that. And it has  
 2 also quite a few of the native plants, so we discuss those.  
 3 And if we see any wildlife, we talk about them. Definitely  
 4 we talk about the birds because they're easier to find.  
 5 **Q. And how ecologically significant is Ravenna Park in the City**  
 6 **of Seattle?**  
 7 A. It's very significant. It was rated the fourth most  
 8 important natural area in the City of Seattle by -- trying  
 9 to remember the name of the group, but there was a group  
 10 that did a city-wide inventory, the nature project or  
 11 something like that. And they rated it number 4 in terms of  
 12 its biodiversity, in terms of its size, its viability.  
 13 It's 50 acres, it's a pretty good swath of land. And it  
 14 connects to parks on either side to Green Lake on one side,  
 15 to The Union Bay Natural Area on the other. And as I'm  
 16 going to talk more about later to the neighborhood via the  
 17 trees and the canopy there.  
 18 **Q. Okay. And the organization you were talking about that**  
 19 **ranked at number 4, the park number 4, is that the Seattle**  
 20 **Urban Nature Project?**  
 21 A. Yes.  
 22 **Q. And do you know approximately how many native plants have**  
 23 **been tallied within Ravenna Park?**  
 24 A. It's around 135.  
 25 **Q. And how does the park impact --**

1 HEARING EXAMINER: How many species or how many plants?  
 2 **Q. (By Ms. Bendich) I'm sorry, the species?**  
 3 A. Species of plants, 135.  
 4 **Q. And how does the park impact the bird population?**  
 5 A. The park is a magnet for birds. It's just like it's one of  
 6 the best natural areas in the city. It's one of the best  
 7 parks for bird habitat because it has the large standing  
 8 native trees as well as the dead trees, the snags, and it  
 9 has a dense canopy, a multi-layered canopy underneath. So  
 10 it's -- not to mention the stream and the riparian  
 11 vegetation along the stream. Riparian is as good as it gets  
 12 for wildlife and birds. Any time you have riparian means  
 13 stream side, water side vegetation, that's always the best  
 14 for wildlife and birds. And Ravenna Park has that for at  
 15 least a half mile.  
 16 **Q. And how important is the tree canopy including large**  
 17 **standing trees to the ecology of this area?**  
 18 A. Extremely. In fact the birds wouldn't go there if it wasn't  
 19 for those. And they stop there on their migrations. I  
 20 count that, I take pictures of that. I've written in my  
 21 book that I have up here about that. And it happens every  
 22 year, and it's like clock work. And it's fascinating to  
 23 watch and notice. And Ravenna Park fosters that because of  
 24 the type of vegetation. And there's certain species that  
 25 are tied to mature old growth forest, or second growth

forest, mature forest, basically, that you can find in Ravenna and you cannot find in many other parts of town.

**Q. So you mention that you do bird counts?**

A. I do.

**Q. Okay. Approximately how many -- what's the number of species of birds that you find in Ravenna Park?**

A. Eighty-seven, and that includes the neighborhood nearby. I've done backyard lists for 20 years. And I'm the number one ebirder -- there's a program called ebird.org on the computer where people contribute citizen science. And if you go there, you'll find I'm the number one birder that goes in there most often and does counts.

**Q. Okay. And in addition are there any animal species that live in the park?**

A. There are.

**Q. Okay. And what are those?**

A. Well, among them opossum, coyote, brush rabbit, let's see what am I missing here, Townsend's chipmunk, did I say raccoon yet?

**Q. No.**

A. Oh, okay, raccoons. There's like four or five main species in there. The coyotes have come back recently. And the rabbits are in major supply right now.

**Q. Do you also track birds and wildlife in the neighborhoods outside the park?**

Audubon. I've been doing that for 20-some years, and my area included Ravenna Park and the neighborhoods. So when you go north of the park, the count just drops off to a hand full of species because you don't have the big trees any more that bring in or shrubs or just the vegetation that bring in so many other species, like pileated woodpeckers, like Pacific wrens like varied thrushes, et cetera.

**Q. Okay. And are there any reports you've read that document the importance of our tree habitat and shrub habitat in the City of Seattle?**

A. I've read the Seattle Urban Forest Plan and I've read the impact statement, which has quite a bit of the same information in it.

**Q. And I did not staple this.**

A. You have it right there.

**Q. I know I have it, but I forgot to staple it.**

A. The urban forest stewardship plan.

HEARING EXAMINER: We have a staple.

MS. BENDICH: If we could have this marked as Exhibit 189, (Exhibit No. 189 marked for identification.)

MR. JOHNSON: What's your exhibit number for that?

MS. BENDICH: I'm sorry, it's Friends of Ravenna-Cowen, Number 34B.

**Q. (By Ms. Bendich) So do you have that in front of you, Mr. Wheeler?**

A. Yes, as I count my yard, which is one block from Ravenna Park and one-half block from this proposed study area. So what I'm finding extends to the region around it.

**Q. And are there any benefits between the park and the neighborhood of having tree canopy within the neighborhood itself?**

A. Great benefit.

**Q. And what is that?**

A. It's called connectivity. And I used to work, as I said, for the Nature Conservancy. And we learned over years that if you just make a preserve and it's surrounded by hostile land uses, that that preserve is not viable over time, it becomes what we call a postage stamp. You know where you have the stamp surrounded by white space. And if Ravenna Park becomes a postage stamp park, it's going to diminish its wildlife habitat value because right now those birds are ranging and animals are ranging out into the neighborhoods. And I have documentation of that in my own yard. But they're not just staying in the park, they need a broader area. And so the trees and canopy outside of the park are vital.

**Q. So how does the bird and wildlife populations, as you get farther and farther north from Ravenna Park, what happens?**

A. They diminish because you get less and less canopy. And I used to do -- I still do, Christmas bird counts for Seattle

A. I am going to put it in front of me, yes.

MR. JOHNSON: Just for clarification, 34B looks like a Forterra News report on your list.

MS. BENDICH: There's a 34A which is Urban Forest Benefits quantified in new report. And if you click on that, which is 34B, it takes you to the Seattle Forest Ecosystem Values Report.

MR. JOHNSON: Oh, I see, got it.

MS. BENDICH: Okay.

MR. MITCHELL: So, Mr. Wheeler, I don't know if he has that report in front of him.

MS. BENDICH: Oh, he doesn't, I'm sorry. Let me make sure you have the right report, Mr. Wheeler.

MR. MITCHELL: So what was marked as Exhibit 189?

MS. BENDICH: We're going to make sure he has the right report -- in fact, I'm sorry, I actually do have -- if we could substitute this, I actually have a color copy for the exhibit whereas the other copies are not in color.

HEARING EXAMINER: Just the report?

MS. BENDICH: Yeah, just the report, thank you.

**Q. (By Ms. Bendich) So I'm showing you Exhibit 189, have you reviewed this before?**

A. I have.

**Q. And are there -- let's just turn to the inside pages here. Who put this report out?**

1 Q. Okay. So could we go to the next slide, please?

2 A. So this is the goal of my presentation to first present tree  
3 and shrub survey data to describe and show examples of the  
4 area, Flora and Fauna to explain the importance of trees and  
5 shrubs, especially in an urban setting, and to summarize the  
6 EIS deficiencies with respect to tree and shrub canopy  
7 conservation.

8 Q. Okay, next slide please. And what's this third page, what  
9 is that a picture of?

10 A. This is the proposed upzone area, a map and this was really  
11 my field map for ground truthing the information and the  
12 EIS. If you look to the right side of this, on this map,  
13 there's a yellow area that has dotted lines around it. And  
14 that's the area that I surveyed. It's bordered by Northeast  
15 70th to the north and Northeast 62nd to the south. And on  
16 the west side it's bordered by 15th Northeast. On the east  
17 side it's bordered partially by 16 Northeast, the rest by  
18 17th Northeast.

19 Q. And this -- is this the proposed preferred plan that's in  
20 the MHA FEIS?

21 A. Yes.

22 Q. And then toward the top of that page there is this little  
23 kind of a box with RESV, what does that mean?

24 A. Reservoir.

25 Q. And is that reservoir still being used?

1 A. So here's my methodology. I did ground truthing. I'm a  
2 volunteer. And I walked all the streets and the alleys in  
3 the proposed upzone area you just saw. I inventoried the  
4 trees and the large shrubs, including the size, species and  
5 age estimates. I photographed examples of trees and shrubs  
6 and tree shrub assemblies which I'll show. And then I  
7 enhanced it with drone images taken of the area from above.  
8 The inventories were done from streets and alleys only. I  
9 did not trespass, nor did my wife who helped me record on  
10 occasion. We did not go into yards nor onto private  
11 property, so that limited some of the trees we might have  
12 seen. So if anything, my numbers are low because we  
13 couldn't trespass.

14 Q. All right. So here you talk about tree size and species and  
15 age estimate?

16 A. Yes.

17 Q. Did you use any special equipment to figure out the size or  
18 any special -- you didn't do cores to figure out the age  
19 estimate?

20 A. Right.

21 Q. So what did you do and why did you do that?

22 A. I used old methods from the forest service to estimate  
23 trees. And I learned this by working there. And I actually  
24 did some work with timber crews. So I worked with them  
25 before when we were doing timber crews. But you can

1 A. I don't believe so.

2 Q. Okay. If we could go to the next slide?

3 A. That is in my field map, walking map. Okay. So this is --  
4 you'll have to click one more time and you'll see an over  
5 flight of the area done by the drone. And you're looking  
6 south from Northeast 65th, we're looking south toward  
7 Ravenna Park. You can see the very strong tree line when  
8 you get to Ravenna Park. And it's backing up a little now,  
9 here you go southward over the proposed new zone, 15th to  
10 the right, 17th to the left hand boundary and now we've  
11 pivoted. We're going back to Northeast 65th and we're  
12 heading north for the northern part of the proposed upzone.  
13 Roosevelt High School is on our left, the sandstone and  
14 white building, huge building.

15 And to our right you see two parallel streets, 16  
16 Northeast and 17th Northeast. And then of course 15th  
17 Northeast is the big street to the left. We're heading  
18 north. This is where the upzone area narrows. And you can  
19 see one very blue house in there that I will show you later  
20 that has a exceptional tree next to it. You can see a  
21 number of exceptional trees as you fly over here. Many of  
22 these trees are over 50 feet tall and over 80 years old.  
23 And now we're coming to Northeast 70th, which is the  
24 northern boundary of the proposed rezoning.

25 Q. Okay. Next slide, please.

1 estimate trees, especially when they're young and  
2 almost -- most of the trees in this area would be classified  
3 as young, meaning under 50, 60 years old. There are some  
4 trees that are 80 years or even older, but I had to do an  
5 estimate. And the way you can do that with young trees is  
6 you can look at the whorls where the branches radiate out.  
7 And roughly there's one year between each whorl of  
8 vegetation. So this is a method you can use with younger  
9 trees. So you can count the intervals between the whorls of  
10 vegetation. That gives you an idea of the age.

11 In terms of the size, I start with my own 6 feet and  
12 extrapolate 10 feet and then project that up the tree. I  
13 also look at houses where each floor is about 12 feet. So a  
14 two story house is around 25 feet. And then you can look up  
15 from there and project the rest of the height. So these are  
16 estimates, they're eyeballing because I couldn't do the  
17 intrusive stuff. And I didn't have the equipment either.

18 Q. All right. So can we go to the next slide, please?

19 A. And then also I've taken classes in tree identification and  
20 botany and stuff. So I know my species pretty well.

21 Q. All right. So what is this? This is a chart of some kind?

22 A. So I put all of my results on charts. Here's the total  
23 number of trees and shrubs I've found, 425 trees and 123  
24 shrubs.

25 Now shrubs, I only counted the ones that were 10 feet tall

by 10 feet wide or larger, just in the interest of time and being able to get this done because there were so many. And with that height and size, they have tree-like characteristics. And in fact shrubs are basically trees that are lower to the ground and have more lower branches and usually don't exceed 20 feet tall, but they provide many of the same benefits as trees.

Next. So here are the relative ages of tree species. I mentioned that you can estimate the young ones easily. And there are over 100 trees under 20 years old.

**Q. So this chart, just for the record, says relative ages of tree species and it's a chart. And it says the estimated tree ages and years. So I'm sorry to interrupt you, so go ahead.**

**A.** Okay. I'm not used to having to explain the visuals. Right, estimated tree ages in the area. So the first bar is trees under 20 years old. And there are over 100 of those that I found. And the largest bar is where most of the trees occurred, they were between 20 and 40 years old. And then the last bar on the right hand side is trees over 40 years old. And there are more than 80 of those in this proposed upzone area. The oldest trees were four, 80-year old Western red cedars. Next.

**Q. And this is another chart?**

**A.** Right. This chart shows the relative height of tree

Next. Then I broke it down, native trees versus non-native trees. I have here there were 83 native trees and 342 non-native trees. Since I made this PowerPoint -- and this is another graph we're looking at. Since I made this PowerPoint, I realized I corrected my own information. So there are actually 88 native trees and subtract -- and 337 non-native trees. So that's an error that I'm correcting myself because I called a few of the evergreen trees sugar pines when in fact they are Western white pines, which are natives. And that's a factor of me not being able to get close enough to them. And when I came out a second time with binoculars, then I could see what they really were.

**Q. Okay, and next slide please. And we have another chart?**

**A.** Yes, this chart breaks down the native trees into the numbers of each species. So we start with Western red cedar. There are more than 50 Western red cedars in this proposed upzone area. Next, your Douglas fir. There are between 8 and 10 of those, some very large exceptional trees, short pine, big leaf maple, Pacific dogwood, Western hemlock, black cottonwood, specifically drone and also should be added to this slide 5 Western white pine trees.

**Q. Okay. So where it says short pine, are those actually the Western white pine or are those also --**

**A.** No, those are pinus contorta, they're logical pine family,

species. And it starts with trees that were 0 to 19 feet tall. There are over 100 of those. And then it goes to trees that were 20 to 39 feet tall, there were over 200 of those. And finally trees that were over 40 feet tall, and there were 80 plus of those. The tallest trees were 85 foot Western red cedars.

Next. And then I divided tree categories conifer versus deciduous. Conifer means evergreen, cone-bearing trees. Deciduous are broad-leaf trees.

**Q. In terms of the environment when we were talking about pollution from the study, you were talking about tree cover for birds, for example, which -- is there any difference between conifers and deciduous in importance?**

**A.** Yes, the conifers are more valuable. They have foliage year round. They're also more valuable for pollution control and for weather modification for attenuating rain and runoff. And so they are -- and the forestry plan calls this out, that you want to save the big conifers first because they provide so many benefits. The deciduous trees are valuable too, but the conifers even more so because of their height, their evergreen foliage, which is warm all year long. And they're absorbing the carbon dioxide and producing oxygen for our city and attenuating the rain falls as I mentioned. So they get a premium in the forestry report. And there are 109 of those in this area. So that's significant.

so a different species.

**Q. Okay, next one.**

**A.** Next. And here is shrub height --

**Q. This is also a chart?**

**A.** I'm sorry, also a chart on shrub height now. So all these shrubs were a minimum of 10 feet tall and an estimate 10 feet wide or I wouldn't inventory them, just in the interest of time. And there were more than 90 shrubs that were between 10 and 20 feet tall that were between 21 and 30 shrubs over 20 feet tall. And a rather remarkable 31 -- excuse me, eight shrubs over 31 feet, that's huge. And I shared with you the definition of shrubs before which they're generally under 20 feet tall.

We have some monster shrubs in our neighborhood and indeed in Seattle. And the tallest shrubs were two rhododendrons over 40 feet tall. So those are towering for shrubs. And actually rhododendrons, camellias, they're of evergreen properties, a bit like evergreen trees where the leaves stay on year round. So they provide some of the free public services and the ecological benefits and esthetic that trees do.

Next. All right, we're done transfer now. And we'll talk for a moment about benefits of trees and shrubs. I have a quote by John Marzluff, University of Washington Professor and author of the book Subirdia, which I have read and

recommend to everyone. And his quote is, trees and shrubs also stabilize the soil, reduce runoff that leads to urban flooding and cleaning pollution and dust from the air. And in the picture you can see tall conifers in the backyards in the 6500 block of 15th Northeast. Next.

**Q. Next, please.**

**A. Street trees.** We have a picture of street trees here. They provide benefits worth \$375,000 annually through energy savings carbon sequestration, air quality and esthetics and that's from SDOT Team Management Program, that information.

**Q. And this is at the corner or this is on along the street at 17th Northeast and Northeast 63rd; is that correct?**

**A.** That's correct.

**Q. Okay.**

**A.** Those same benefits, of course, apply to trees that are not on the street.

Next. And this slide shows the image of Ravenna Park trees. And I have a quote here from the Seattle Urban Forest Stewardship Plan --

**Q. And that's the Exhibit 189, I believe, yes, go ahead.**

**A.** The quote is, studies have shown that trees in the neighborhood contribute to community involvement and have positive health benefits and ranging from asthma relief, improved academic performance and shorter recovery times for patients.

with what was shown. We'll get to that afterwards.

**MS. BENDICH:** I'm sorry.

**THE WITNESS:** And we can make another copy.

**HEARING EXAMINER:** We'll take care of that afterwards.

**MS. BENDICH:** We'll make another copy, thank you for pointing that out.

**A.** So we're back in the neighborhood here. And this is the southeast corner of the proposed upzone across the street from Ravenna Park. This is the northwest corner of 17th Northeast and Northeast 62nd. And the slide says tall evergreens are Ravenna icons. As you look at that house, it's a two story house about 25 feet tall. And you can project up and just get a sense of how tall those trees are, they're more than 60 feet tall.

**Q. Okay.**

**A.** Next. I have three bullets from the tree conservation priorities from the Seattle Urban Forestry Plan. The first bullet is preserve existing trees because it takes decades for most trees to reach their ultimate size. Trees already growing in Seattle generally provide immediate and ongoing benefits that cannot be matched by small or young replacement trees.

The next bullet says focus especially on evergreen trees because they maintain their canopy during the rainy season and are active year round. Evergreens can better tolerate

**Q. Okay. Next, please.**

**A.** This slide says trees benefit everyone. And I have a quote here from Deborah Marton of new York Restoration Project, a nonprofit focussing on disadvantaged neighborhoods. This was in the Scientific American magazine article May 7, 2018. She said, there is almost no public health crime or environmental quality metric that you can look at that isn't made better by the presence of trees. Trees are infrastructure and they are the cheapest way cities can make a difference in the life of residents. I have some typos in there, which I would have corrected if I could have.

**Q. Okay. So next, please.**

**A.** Trees and crime this slide says. And this is a quote William Sullivan, head of the University Landscape Architecture Department who studies the affect of tree cover on urban crime. This was also in Scientific American, May 7, 2018. "Too many people think that living in closer contact with nature is nice, it's an amenity. It's good to have if you can afford it. They haven't got the message that it's a necessity, it's a critical component of a healthy human habitat".

**Q. Next slide, please --**

**HEARING EXAMINER:** And before you get too much further on, I just want to know that at least four of the slides in the copy I have, for the record, are not complete with the text

rain fall, absorb carbon dioxide and reduce air pollutants.

Finally, larger trees provide more environmental, cultural, and economic functions and benefits than smaller ones.

**Q. Okay. Next slide, please.**

**A.** So here are some of those larger trees. These pictures were taken on the southwest corner of Northeast 63rd and 17th Northeast. And the Northeast 66nd between 15th and 17th Northeast.

**Q. So what do we see on the right-hand side with respect to that big conifer. Is that in a yard?**

**A.** These are yard trees on the right, yes. Street trees on the left, yard trees on the right.

**Q. And this is part of the proposed upzone area?**

**A.** It is.

**Q. All of this is part --**

**A.** We're down at the southern part of the proposed upzone, right across the street from Ravenna Park.

**Q. Can we go to the next slide, please?**

**A.** And this is right across the street from Ravenna Park too. And it says here, abundant street trees, tall conifers and brush landscaping in the Ravenna neighborhood. This shot taken at 1520 Northeast 62nd looking north. And when I talk about the park and connecting to the park, those big trees are like a stepping stone from Ravenna Park and they help

at 28 percent or were at 2016.

Next. So if you look on the edges of this property, over to the west of this area, the area that's already been upzoned, it doesn't give you a lot of cause or confidence when it comes to tree or vegetation management. This is a view of the Mio condo or apartment complex or whatever it is from Brooklyn and 65th, void of vegetation. They put in a few tiny street trees on Northeast 65th, no substitute for the kind of tree cover we had or could have there.

Next. And this is looking down Brooklyn from the north to 65th. And again you see the vegetation is essentially raised off. And the trees rise dramatically when you get into the old neighborhood.

**Q. And the old neighborhood here is the Callant (phonetic) neighborhood; is that right?**

A. That's right. So the remaining trees exist only in the surrounding residential areas such as the bank of trees south of Northeast 65th outside the developed area.

**Q. Okay. Next, please.**

A. So Ravenna Park is connected to the neighborhood via tree and shrub canopy. You can see this graphically in this picture. The main street on the right side is Northeast 65th. And you can see a drop or a slot in the ravine, which is where the ravine is. That drops 100 plus feet down to the Ravenna Creek. And then there's a huge tree bank on the

through those or other birds like it.

**Q. And what does this slide show?**

A. This slide shows 87 bird species that I have tallied in Ravenna Park in the neighborhood between 1998 and 2018. So there's high bird diversity in the Ravenna neighborhood, including the park.

**Q. And are all of these birds that are indigenous to this area or are some of them also, besides, the tanager migratory birds?**

A. There's some of both. There are 90 resident bird species in Western Washington. Most of those on that list are resident. The wolvers, the tanagers, some of the thrushes, the osprey. I could go on, there are a number of them migrants, too, fly catchers.

So here are the tanagers in the tall Douglas fir tree that's one-half block from the proposed upzone. And I can see in my backyard and there are five tanagers in there at that moment. You can see three of them in this picture. They arrived in what I call the tanager tree on May 15th. I wrote an essay about this in my book, which I have over there, and I think Daniel's read. So there's an essay about that phenomenon.

**Q. Okay. The next slide, please.**

A. Ravenna Park and the area around supports creepers hawks and barred owls. These are forest birds and they benefit from

side of it. And then that's picked up by trees, some of them I've shown to you in earlier slides, they've come through the neighborhood. And that's the example connectivity, which is desirable for a good neighborhood. And for the health of people that live in a neighborhood.

Next. Birds and wildlife, which I'm keen about, move through these neighborhood trees. There's a direct association with many bird species and the tallest conifer trees. I document that, like this photo I took of a Western tanager sitting on top a tall Douglas fir tree that I call a tanager tree. This is a half block from the proposed upzone.

**Q. Now the tanager's, they're not local; is that correct?**

A. That's right. So he's on his migration headed to the Cascade foot hills, but he stops over at the same tree every year. That's called philopatry when a species comes to the exact same spot every year, and that's right around May 15th. And they'll come back in mid-October to the same tree on the way south, it's incredible. And that's been happening for years. But if you take away those trees, they'll stop doing that.

So the next one. And I know this one's not in the upzone, but it's a half block in the upzone and there are other threes in the upzone that are just like that. And if I were monitoring those, you'd probably see the same bird living

the kind of habitat that these tall trees provide.

**Q. Are they mice and rat catchers too or --**

A. The barred owls is mice and rat catchers. Creepers hawks are more bird catchers.

**Q. Okay. Next slide, please.**

A. Now this is last summer. In Ravenna Park there was a family of five barred owls in Ravenna Park, it was an incredible spectacle. All July people were coming down there to look at it. And there they are all gathered around, it was amazing.

Next. And here's one of the babies last summer. This year there were two hooting in Ravenna Park last Saturday night.

**Q. Next, please. What have we got here?**

A. We have some birds that are closely tied to places with tall trees and older forests. Pileated woodpecker on the left side needs 250 acres of mature forest for it's habitat. And that's from the Cornell Lab of Ornithology text book that I took in my class.

And on the right you have the red breasted sapsucker, which is another bird that depends on older trees. I took that photo in my front yard. The pileated woodpecker was one block away in Ravenna Park.

**Q. And do we have quite a few pileated woodpeckers in Ravenna Park and in the environs in the community?**

1 Q. Okay. And did you have any comments about the conclusion --  
 2 A. I do.  
 3 Q. -- in the EIS?  
 4 A. My notes on that are that losing --  
 5 Q. Let's just read what it says here first. So if you turn to  
 6 page 3.342. So even using the numbers that you just used  
 7 between 6 and 12 acres lost here of trees and we have -- it  
 8 says under paragraph 3.6.4 on page 3.342 that the  
 9 significant unavoidable adverse impacts states no  
 10 significant avoidable adverse impacts to ECAs or tree canopy  
 11 cover have been identified. Do you agree with that  
 12 statement?  
 13 A. No.  
 14 Q. And why not?  
 15 A. Because there's more being taken out according to those  
 16 numbers than was stated. And that's too much. I think  
 17 that's a set back and would be devastating not only for the  
 18 neighborhood but a set back for the Urban Forest Stewardship  
 19 Plan.  
 20 MS. BENDICH: Thank you. And I'm finished with direct,  
 21 counsel.  
 22 HEARING EXAMINER: Mr. Wheeler, can I just ask you? I was  
 23 still making sure I could track your numbers from the pages  
 24 earlier, what line were you reading on 3.342?  
 25 THE WITNESS: Yeah, hang on. I'm going to get back to

1 Attorney. I'll be asking you some questions on cross  
 2 examination.  
 3 A. Okay.  
 4 Q. Mr. Wheeler, do you have any experience with the preparation  
 5 of environmental impact statements, in terms of you yourself  
 6 preparing environmental impact statements?  
 7 A. No.  
 8 Q. And do you have any experience in preparing any SEPA related  
 9 environmental analyses?  
 10 A. No.  
 11 Q. So in your slide show you had -- or the PowerPoint  
 12 presentation, you identified there were 425 trees. Did you  
 13 indicate how many of those trees were street trees? It  
 14 seemed like those slides showed a lot of street trees.  
 15 A. They did show some. I didn't break out the number of street  
 16 trees. That would be interesting to do.  
 17 Q. Because you do understand that there are different street  
 18 tree protections for the specific purpose of protecting  
 19 street trees?  
 20 A. I do understand that. Those are perhaps safer.  
 21 Q. You identified a few of the trees you thought were  
 22 exceptional. Did you do a tally of how many exceptional  
 23 trees there were out of the trees that you counted?  
 24 A. No, but that would be worth doing too.  
 25 Q. And you also have an understanding that there are special

1 that. The line I was reading on was 3.338 tree canopy.  
 2 HEARING EXAMINER: No, sorry, I understood that. I was  
 3 still on that when you went on to what you just discussed  
 4 3.342. You cited a line in there that you disagreed with.  
 5 THE WITNESS: 3.342.  
 6 HEARING EXAMINER: The last line of questioning.  
 7 MS. BENDICH: I believe it was just the conclusion.  
 8 HEARING EXAMINER: Whatever it is --  
 9 MS. BENDICH: The 3.6.4 where it says significant  
 10 unavoidable adverse impacts and the statement is there's no  
 11 significant unavoidable adverse impacts to ECAs or tree  
 12 canopy cover have been identified.  
 13 HEARING EXAMINER: Okay.  
 14 MS. BENDICH: Do you need him to repeat his answer?  
 15 HEARING EXAMINER: No, I understood it. I just needed to  
 16 see --  
 17 MS. BENDICH: Okay. So there's cross examination.  
 18 THE WITNESS: Do I get a chance to say one more thing?  
 19 HEARING EXAMINER: No, you don't.  
 20 MS. BENDICH: No, you don't.  
 21 HEARING EXAMINER: There's no question. Now you're on the  
 22 cross from the city.  
 23 CROSS EXAMINATION  
 24 BY MR. MITCHELL:  
 25 Q. Thank you. And my name is Daniel Mitchell, Assistant City

1 tree protections for the purpose of protecting exceptional  
 2 trees?  
 3 A. Right, it's in the tree ordinance, I read that.  
 4 Q. And the Roosevelt expansion, proposed expansion area for any  
 5 of the alternatives, it's not proposed to be expanding into  
 6 Roosevelt Park or -- or I'm sorry, Ravenna Park?  
 7 A. I understand that.  
 8 Q. Okay.  
 9 A. But I was counting more on the connectivity to it.  
 10 Q. So in the environmental impact statement, which is Exhibit 2  
 11 on page 3.320?  
 12 A. 3.320, yes.  
 13 Q. The last paragraph talks about the benefits of urban forest  
 14 and trees?  
 15 A. Um-hum.  
 16 Q. Can you read the first sentence of the last paragraph?  
 17 A. Yes. A healthy urban forest provides benefits including air  
 18 and water pollution mitigation, habitat for wildlife,  
 19 reduction of the urban heat island effect, and storm water  
 20 runoff reduction.  
 21 Q. Do you agree that urban forest trees and other vegetation in  
 22 the urban forest do that?  
 23 A. Yes.  
 24 Q. Looking at Exhibit 3.6-15, which is on page 3.339, you  
 25 talked about that?

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4  
5  
6 BEFORE THE HEARING EXAMINER  
7 FOR THE CITY OF SEATTLE

8 In the Matter of the Appeals of ) Hearing Examiner File:  
9 WALLINGFORD COMMUNITY ) **W-17-006 through**  
COUNCIL, ET AL. ) W-17-014  
10 )  
11 Of Adequacy of FEIS Issued by the )  
Director, Office of Planning and )  
Community Development )  
12 )

13  
14  
15 FRIENDS OF RAVENNA-COWEN

16  
17 TRANSCRIPT EXCERPTS OF KATHERINE WILSON<sup>1</sup>

18  
19 FOR CLOSING ARGUMENT  
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24  
25 <sup>1</sup> Includes Testimony on 7/27/2018 and 8/22/2018

<p style="text-align: right;">Page 177</p> <p>1 Q. Okay. But they aren't necessarily overlapping; is that 2 right?</p> <p>3 A. Not -- no. But they can, yeah.</p> <p>4 Q. Okay. And do you know how many landmarks there are in the 5 City of Seattle that are city landmarks?</p> <p>6 A. According to the city's website, it's 450.</p> <p>7 Q. Okay. And there's also been some discussion about inventory 8 properties. Do inventory properties differ from landmark 9 properties?</p> <p>10 A. Yes. I should say, too, when a property is on a historic 11 register, it has to meet certain criteria. So just because 12 a property is of a certain age does not mean it's officially 13 historic property. It has to be -- different registers use 14 different age thresholds. So you have to meet an age 15 threshold. You have to have your integrity intact enough to 16 convey your historical significance. And then you have to 17 meet at least one criteria of -- established criteria to 18 make it on the register. So it's -- it's not just simply 19 because a property is of a certain age that it would be 20 historic.</p> <p>21 And so if a property's inventoried, what that means is 22 that a person has gone and looked at it and filled out a 23 form, but it has not gone completely through the full 24 evaluation stage. So the property can be inventoried, and 25 then it can be recommended for its eligibility on a historic</p>	<p style="text-align: right;">Page 179</p> <p>1 A. They're pretty equally distributed, I would say, but just 2 within the city boundaries, yeah.</p> <p>3 Q. And there's been, as you know, a good bit of testimony about 4 the urban villages because of the proposed MHA proposal in 5 the urban village expansion areas. So is it correct that 6 the 450 landmarks and the 5,000 or so inventoried properties 7 aren't within the urban village boundaries?</p> <p>8 A. No.</p> <p>9 Q. Okay. So just considering inven- -- city-inventoried 10 properties and/or landmarks, are the number of those across 11 the city a reliable reflection of the historic character of 12 the city and its neighborhoods, just the raw number?</p> <p>13 A. Not necessarily.</p> <p>14 Q. Okay. So let's talk a little bit about the MHA EIS. How 15 did you become aware of or involved in the MHA EIS?</p> <p>16 A. Sure. Sharese Graham at ESA, the project manager, came to 17 me with the scope of work and the schedule, and we talked 18 about it. And then I met with my director, Paula Johnson, 19 to talk about the approach, as well as Mark Johnson at ESA, 20 who's another director. Sharese's director. And we 21 discussed how we might go about achieving the scope of work 22 and what -- what approaches we could take given the 23 programmatic effort and the size of the project area.</p> <p>24 Q. Okay. And let's just back up. So you prepared 25 Section 3.5 --</p>
<p style="text-align: right;">Page 178</p> <p>1 register. And then that can be it or it be can recommended, 2 and then it can be reviewed by a decision-maker and 3 officially determined eligible, which puts it in another 4 bucket. And then the last bucket is that it can actually be 5 listed.</p> <p>6 So the distinction to be made in Seattle is that when 7 you're looking at Seattle landmarks, it's either a landmark 8 or it's not a landmark. There's no determined-eligible 9 bucket. And if it's a national register, it can be 10 officially determined eligible or listed.</p> <p>11 Q. Okay. And with regard to city inventoried properties, do 12 you know how many there are in the City of Seattle?</p> <p>13 A. According to the city's website, it's about 5,000.</p> <p>14 Q. Okay. So of the 5,000 inventoried properties, 450 of those 15 are landmarks -- city landmarks? Is that how that would 16 work or --</p> <p>17 A. I would assume so, but I can't confirm that. I would assume 18 some of them were inventoried and then moved on to become 19 landmarks.</p> <p>20 Q. Okay. Is it possible that a landmark property was not 21 inventoried, but it ended up (inaudible)?</p> <p>22 A. It's possible.</p> <p>23 Q. All right. And with regard to the number of city landmarks, 24 the 450 landmarks you described, is that citywide? In other 25 words, kind of from boundary to boundary?</p>	<p style="text-align: right;">Page 180</p> <p>1 A. Yes.</p> <p>2 Q. -- which is the Historic Resources section --</p> <p>3 A. Correct.</p> <p>4 Q. -- of the EIS; is that correct?</p> <p>5 A. That's correct.</p> <p>6 Q. And did you have any role in any other part of the EIS?</p> <p>7 A. No.</p> <p>8 Q. All right. And you described your kind of change of 9 command, so to speak.</p> <p>10 A. Uh-huh.</p> <p>11 Q. And you were the person on the ground; is that right?</p> <p>12 A. That's right.</p> <p>13 Q. Okay. So is Section 3.5 of the EIS your work product?</p> <p>14 A. It is, with review from all of those other people.</p> <p>15 Q. Okay. All right. And so you are tasked with performing the 16 historic resources analysis for the MHA EIS. What are your 17 responsibilities in doing that?</p> <p>18 A. Sure. So I do all of the background research to present the 19 affected environment. I review the potential impacts, and 20 then I think about what the potential mitigation measures 21 might be.</p> <p>22 Q. Okay. And what is your research -- kind of what's the 23 approach you take to doing research?</p> <p>24 A. Sure. Typical, you always look at what are the recorded 25 resources in the study area. At a programmatic level,</p>

<p style="text-align: right;">Page 181</p> <p>1 you're looking big picture. You're describing the history,  2 the setting, so both environmental studying and the -- what  3 you -- the history of the area, I guess, is what I would  4 say, yeah.</p> <p>5 <b>Q. Okay. And so you talked about looking at the recorded  6 resources in the study area. So going back to your general  7 description of what those resources are, is that what you  8 did here? Is that kind of where you started?</b></p> <p>9 A. Yeah, we talked about, "Okay, what are our data sets that we  10 can look at that are an accurate description of the study  11 area?" So we talked about using the state data. We talked  12 about using the city's; they have a historical sites survey  13 database of their inventoried properties, the 5,000 that I  14 referred to previously. We talked about looking at  15 annexation dates of the city to present a context of how the  16 city has grown; to look at potential areas with older  17 properties rather than areas with newer properties to do  18 some comparison. So we -- we considered our data sources.  19 We came up with a reasonable approach of how to describe the  20 affected environment in an equal way across the study area.</p> <p>21 <b>Q. Okay. And we'll get into some more detail about that in a  22 minute. Now, I'm not sure and you might have mentioned it,  23 but -- so data sources, did that include kind of, again, the  24 range of city, state, federal data out there?</b></p> <p>25 A. Uh-huh. We looked at DAHP, the Department of Archaeology</p>	<p style="text-align: right;">Page 183</p> <p>1 A. I only met with her once.</p> <p>2 <b>Q. Okay. And you -- did you talk about what data was available  3 to you as part of your project or --</b></p> <p>4 A. That was conveyed, I think, at that first meeting that I was  5 not present for. And Sharese did send me an email saying  6 (inaudible) a summary of her meeting and that she had  7 mentioned they have historic-context statements, which I  8 already knew that I was going to look at, and she suggested  9 looking at the state data as well.</p> <p>10 <b>Q. All right. And were you present for Ms. Sodt's testimony?</b></p> <p>11 A. Yes, I was.</p> <p>12 <b>Q. Okay. And do you recall Ms. Sodt's discussion of the city  13 database?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And do you -- did you generally agree with her description  16 of the database?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. Okay. And there was also some questions posed to Ms. Sodt  19 about some additional information that may be available in  20 their office, specifically information that resided in some  21 notebooks. Do you recall that?</b></p> <p>22 A. I recall that, yeah.</p> <p>23 <b>Q. Okay. And are you familiar with those notebooks?</b></p> <p>24 A. No, I am not.</p> <p>25 <b>Q. Okay. So you've never -- you've never looked at them or --</b></p>
<p style="text-align: right;">Page 182</p> <p>1 and Historic Preservation's website or their secure portal,  2 which is called "WISAARD," for the federal register  3 information, so the national register information, as well  4 as Washington Heritage Register information. We looked at  5 the landmarks listings. We looked at historic-context  6 statements that the city has prepared. As I said before, we  7 considered the city database as well.</p> <p>8 <b>Q. Okay. All right. And in doing this work, did you work with  9 anyone at the city?</b></p> <p>10 A. We -- I met with Sarah Sodt from the Historic Preservation  11 program after the draft EIS. I contacted her by email in  12 the beginning for any information or suggestions.  13 I know there was a meeting prior to my involvement between  14 her and I think Sharese about potential information to use.</p> <p>15 <b>Q. But you weren't a party to that?</b></p> <p>16 A. But I wasn't present for that, no.</p> <p>17 <b>Q. Okay. And I might also ask: Have you done any other EIS  18 work related to the MHA program at all --</b></p> <p>19 A. No.</p> <p>20 <b>Q. -- or the HALA program?</b></p> <p>21 A. No.</p> <p>22 <b>Q. Okay. So you haven't been involved in any other EISs?</b></p> <p>23 A. Correct.</p> <p>24 <b>Q. Okay. And so, again, how many times did you talk with  25 Ms. Sodt?</b></p>	<p style="text-align: right;">Page 184</p> <p>1 A. No, huh-uh.</p> <p>2 <b>Q. All right. And they -- were they used in your work here?</b></p> <p>3 A. No. I did look at the 1970s maps that they have available  4 on their website, which I assume might be related to those  5 binders, but I did not look at those. I did not look at any  6 binders.</p> <p>7 <b>Q. Okay. And is that -- it was the 1970s data and information  8 you relied upon in preparing your report?</b></p> <p>9 A. Not really, because it's so out of date.</p> <p>10 <b>Q. Okay. And do you recall Ms. Sodt's testimony regarding the  11 dated material in the notebooks?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. Okay. And she testified that -- she testified that  14 environmental review analysis really should only be about  15 five years old, at most.</b></p> <p>16 A. Uh-huh.</p> <p>17 <b>Q. Do you agree with that statement?</b></p> <p>18 A. I -- I do agree. In my profession, we follow -- DAHP has  19 published guidelines for doing cultural resources reporting,  20 last updated January 2018. And they set a threshold of ten  21 years. If an inventory is over ten years old, it's  22 considered out of date and should be updated.</p> <p>23 <b>Q. Okay. And -- I'm sorry.</b></p> <p>24 A. Oh, no, so that's -- that's something that we follow, and we  25 would -- if we see something that's over ten years old, we</p>

<p style="text-align: right;">Page 189</p> <p>1 would be -- there's gaps and it's also a little bit</p> <p>2 misleading.</p> <p>3 <b>Q. Okay. So let's get back to that, but you also -- you hit on</b></p> <p>4 <b>a lot of points in my last question, so I want to break it</b></p> <p>5 <b>up a little bit. So did you -- you talked about a</b></p> <p>6 <b>programmatic EIS. So just first of all, why does that</b></p> <p>7 <b>matter?</b></p> <p>8 A. Sure. So when you're looking at cultural resources, so</p> <p>9 historic resources, archaeology as well, it's pretty</p> <p>10 location-based. But when you're at a -- when you don't have</p> <p>11 a direct project that's happening, you need to be more</p> <p>12 general. It's very standard for cultural resource</p> <p>13 discussions in EIS chapters that are programmatic to be at a</p> <p>14 high level, because you -- you don't know exactly what would</p> <p>15 be happening. You don't -- if it's a project-level EIS, you</p> <p>16 can be more specific about your study area. But it's not</p> <p>17 standard at all to go into any kind of fieldwork for a</p> <p>18 programmatic EIS.</p> <p>19 <b>Q. Okay. And then you also talked about the size of the study</b></p> <p>20 <b>area, I guess.</b></p> <p>21 A. Right.</p> <p>22 <b>Q. So why does that matter?</b></p> <p>23 A. It matters because in terms of the level that you can really</p> <p>24 go into, I mean, you need to try to fairly describe the</p> <p>25 study area. And when you have a large study area, you --</p>	<p style="text-align: right;">Page 191</p> <p>1 an example of an area where you discussed the urban village</p> <p>2 expansion areas?</p> <p>3 A. Yes.</p> <p>4 <b>Q. Okay. And I'd also -- now, I'd like to take you back to</b></p> <p>5 <b>page 3.295.</b></p> <p>6 A. Okay.</p> <p>7 <b>Q. Are you with me?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. And you say here -- if you look under the heading, there's a</b></p> <p>10 <b>statement that says, "The history of the study area provided</b></p> <p>11 <b>here relies upon existing</b></p> <p>12 <b>neighborhood-specific-historic-context statements as</b></p> <p>13 <b>available."</b></p> <p>14 A. Uh-huh.</p> <p>15 <b>Q. Can you just again remind us what a context statement is?</b></p> <p>16 A. Sure. A context statement is something that is prepared by</p> <p>17 a historic preservation specialist that is an intensive</p> <p>18 discussion of a particular area or theme, which is looking</p> <p>19 at what are the characteristics of that theme or area, what</p> <p>20 makes it significant, what are some potential representative</p> <p>21 properties within that. So a historic-context statement is</p> <p>22 a document that can also include fieldwork like inventoried</p> <p>23 properties.</p> <p>24 <b>Q. Okay. And how many historic-context statements are there in</b></p> <p>25 <b>Seattle, do you recall?</b></p>
<p style="text-align: right;">Page 190</p> <p>1 you're -- you have to be more general.</p> <p>2 <b>Q. Okay. And then with regard to the study area itself, I</b></p> <p>3 <b>mean, your primary emphasis, was it in the urban villages?</b></p> <p>4 <b>Is that --</b></p> <p>5 A. We did look everywhere, but it was primarily in the urban</p> <p>6 villages.</p> <p>7 <b>Q. Okay. And how about -- did you look at the urban village</b></p> <p>8 <b>expansion areas?</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. Okay. And did you discuss the urban village expansion areas</b></p> <p>11 <b>in the EIS?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. Okay. And could you just turn to page 3.306 of the EIS.</b></p> <p>14 <b>Are you there yet?</b></p> <p>15 A. Not yet.</p> <p>16 <b>Q. And I'd just like you to look at the bottom page there, the</b></p> <p>17 <b>bottom of the page, the last sentence on the page, beginning</b></p> <p>18 <b>with the word "For." Do you see that?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. Can you read that, please.</b></p> <p>21 A. "For the proposed expansion areas outside of urban villages,</p> <p>22 the same estimated growth rate is anticipated under</p> <p>23 alternatives 2, 3 and the preferred alternative, which is 24</p> <p>24 percent."</p> <p>25 <b>Q. Okay. And this is a discussion of growth rates, but is this</b></p>	<p style="text-align: right;">Page 192</p> <p>1 A. I believe there are 11, but I'd have to double-check. Well,</p> <p>2 there's more than what was listed in the EIS. We only</p> <p>3 listed the ones that were pertinent to the urban villages.</p> <p>4 <b>Q. All right. So can you turn to page 3.302?</b></p> <p>5 A. Uh-huh.</p> <p>6 <b>Q. And I'm referring to Exhibit 3.5-4 on that page.</b></p> <p>7 A. Yes, uh-huh.</p> <p>8 <b>Q. And in the far right-hand column, there's a column that says</b></p> <p>9 <b>"Historic-Context Statement." Are those the context</b></p> <p>10 <b>statements that you reviewed?</b></p> <p>11 A. Yes, although there is one error. I also reviewed the North</p> <p>12 Beacon Hill context statement, and I apologize if there was</p> <p>13 some clerical error. This was checked off in an internal</p> <p>14 draft prior to publication, so I'm not sure why that's not</p> <p>15 listed here, but I did review that as well.</p> <p>16 <b>Q. Okay. And were you here when Ms. Woo testified?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. Okay. And she stated that there is a context statement for</b></p> <p>19 <b>North Beacon Hill that's not referenced. Is that what</b></p> <p>20 <b>you're referring to?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. Okay. But you considered it, nonetheless?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. And so in your professional opinion, I mean, is the fact</b></p> <p>25 <b>that you're missing that data point significant to your</b></p>

1 happened with that.

2 I don't think it changes what we were trying to achieve in  
3 our description of the affected environment; however, there  
4 are still determined-eligible properties throughout the  
5 city. And it is very unfortunate, I do not like to have  
6 errors. I'm a very precise person, so I regret that that  
7 happened, but it does not change our findings.

8 **Q. Okay. And are all -- are those three dots that are**  
9 **reflecting NHRP properties, are those -- and I'm sorry that**  
10 **I -- I should be saying "NRHP," are those within the study**  
11 **area for MHA?**

12 A. Well, it's hard to tell because the -- the urban villages  
13 are not on here. When I looked, it looked as though one of  
14 them might be in an expansion area, but the other two, I  
15 don't think so.

16 **Q. Okay. And can you take a look at Exhibit 37.**

17 A. This one?

18 **Q. Correct.**

19 A. Yes.

20 **Q. Okay. And were you here for Mr. Kasperzyk's testimony?**

21 A. Yes.

22 **Q. And what's your understanding of what this represents?**

23 A. So my understanding is this represents an effort to map  
24 within Ballard the parcels by the year that the property was  
25 built, I assume. I think they did an inventory as well.

1 **Q. Okay. And do you recall his discussion of that inventory?**

2 A. Yes.

3 **Q. And so just taking all three of these exhibits together,**  
4 **Exhibits 20, 22 and 37, did you consider preparing this**  
5 **level of detailed analysis as part of the MHA EIS historic**  
6 **resources section?**

7 A. No.

8 **Q. Why?**

9 A. I think with this exhibit, it's very misleading as well  
10 because -- because a parcel has a property that was built --  
11 a certain age based on -- I'm assuming the assessor's data  
12 is where they derived that from -- does not mean that that  
13 property retains its integrity, has -- has not been  
14 remodeled, is still present. There's a lot of other  
15 criteria that go into what makes a historic property  
16 officially historic, you know, under different criteria. So  
17 I think if you were to look at this, you -- you wouldn't  
18 really understand what you're looking at. And the same with  
19 these other ones. I think this also is very misleading,  
20 because there are areas that are empty that does not mean  
21 that there aren't historic-aged properties there.

22 **Q. Okay. And how about city landmarks themselves? We just**  
23 **stripped this down to -- we exclude inventoried properties.**  
24 **Is that available? Is there a geospatial reference in the**  
25 **city -- from the city that reflects that data?**

1 A. The city has a map that you can look at on their website.  
2 We did look at that. I did look at that. MHA wouldn't  
3 impact those properties, however, because all landmarks are  
4 protected by a certificate-of-approval process from the  
5 Landmarks Board. So if any project would be happening  
6 adjacent to or at a landmark, that would be reviewed under  
7 existing regulations.

8 **Q. Okay. And can you draw -- just drawing your attention back**  
9 **to the EIS page 3.302, Exhibit 3.5-4.**

10 A. Yes.

11 HEARING EXAMINER: Give me that again.

12 MR. JOHNSON: It's page 3.302 of the EIS.

13 A. Yes.

14 **Q. (By Mr. Johnson) And so there's one column there, and it**  
15 **says, "Properties Listed in City Historic Resources Survey**  
16 **Database"?**

17 A. Correct.

18 **Q. Okay. And why is the "City" underlined?**

19 A. We just wanted to clarify the -- where that information was  
20 coming from.

21 **Q. Okay. And what's the point of having a -- you know, a**  
22 **column with all these Xs there? I mean, what's the point of**  
23 **that?**

24 A. We wanted to -- we did want to show that there are  
25 properties in the city that have been inventoried, but we

1 wanted to compare that to areas that have had no systematic  
2 inventory. So this shows, yes, there is a property in their  
3 database for almost all of these urban villages, but that's  
4 not the same as having a systematic inventory conducted, so  
5 it -- and saying there is not a historic-context statement  
6 for all of these. So I think this shows that there are  
7 areas that are less understood than other areas in the study  
8 area.

9 **Q. Okay. And are these factors that resulted in your decision**  
10 **to include only the NHRP determined-eligible properties**  
11 **on -- in figures 3.5-2 and 3.5-3?**

12 A. Yes, we wanted to use the NRHP determined-eligible  
13 properties because they are citywide, they're an equal data  
14 set.

15 **Q. Okay. Moving through the Historic Resources report, on the**  
16 **bottom of page 3.296 -- I'm sorry, the bottom of 3.306.**

17 A. Yes.

18 **Q. There's a discussion on this page about the existence of**  
19 **historic resources associated with marginalized or**  
20 **underrepresented immigrant communities.**

21 A. Uh-huh.

22 **Q. What's the point of that discussion?**

23 A. We wanted to include this because -- well, it does say here  
24 there is a potential for these communities to have a lower  
25 participation in the SEPA process, but this really comes

<p style="text-align: right;">Page 229</p> <p>1 A. That is what it says.</p> <p>2 Q. And this is the email that you received about this project,</p> <p>3 right?</p> <p>4 A. Yes, I was cc'd on this.</p> <p>5 Q. Did you -- before the Draft EIS made it to being a public</p> <p>6 document, there were internal drafts, right?</p> <p>7 A. Yes.</p> <p>8 Q. And were they -- you drafted the internal drafts and</p> <p>9 circulated them within your -- within ESA for comments by</p> <p>10 others?</p> <p>11 A. That is standard, yes.</p> <p>12 Q. I'm handing you what's --</p> <p>13 MR. BRICKLIN: May I have this marked as an exhibit,</p> <p>14 please?</p> <p>15 HEARING EXAMINER: This is 238.</p> <p>16 (Exhibit No. 238 marked for identification)</p> <p>17 Q. (By Mr. Bricklin) I'm handing you what's been marked as an</p> <p>18 exhibit, as 238. Do you recognize this as a draft?</p> <p>19 Apparently, according to the yellow highlighting on the</p> <p>20 first page, May 5, 2017.</p> <p>21 A. Yes.</p> <p>22 Q. Do you see that?</p> <p>23 A. I see that date, yes.</p> <p>24 Q. All right. The initials "R.W." in the comment boxes here,</p> <p>25 that would be Richard Weinman; is that right?</p>	<p style="text-align: right;">Page 231</p> <p>1 A. Yes.</p> <p>2 Q. Do you see that he says a little further down, "I don't</p> <p>3 think you can say definitively that such impacts are</p> <p>4 significant, however, since they are indirect and</p> <p>5 unconcerned"; is that right?</p> <p>6 A. Uh-huh.</p> <p>7 Q. And then he goes on to say, "And this metric implies that</p> <p>8 the other impacts discussed in this section are</p> <p>9 categorically not significant which is dubious"?</p> <p>10 A. Yes.</p> <p>11 Q. Did you have a follow-up discussion with Mr. Weinman about</p> <p>12 his comment that characterizing the other impacts as</p> <p>13 "insignificant" was dubious?</p> <p>14 A. Not directly, no.</p> <p>15 Q. Do you see that he continued, "This is a gross and</p> <p>16 indefinite indicator, in any event, and probably more</p> <p>17 suitable for unknown, unsurveyed buildings." Do you see</p> <p>18 that?</p> <p>19 A. Uh-huh.</p> <p>20 Q. He says, "The locations of surveyed historic buildings, on</p> <p>21 the other hand, are known and could be compared to the</p> <p>22 parcels being rezoned," right?</p> <p>23 A. Uh-huh.</p> <p>24 Q. And that's what you did not do, right?</p> <p>25 A. We did not look at the parcel level.</p>
<p style="text-align: right;">Page 230</p> <p>1 A. I believe so, yes.</p> <p>2 Q. And who is he?</p> <p>3 A. He does not work at ESA. I believe he was with the city or</p> <p>4 a consultant to the city.</p> <p>5 Q. All right. So this was reviewed by people outside ESA as</p> <p>6 well?</p> <p>7 A. That's standard, yeah.</p> <p>8 Q. All right. Okay. Could you turn to page -- the page that</p> <p>9 has the Bates number of 34827. It's the page that has the</p> <p>10 title in the middle of page 3.5.2, "Impacts."</p> <p>11 A. Yes.</p> <p>12 Q. Do you see that?</p> <p>13 A. (No audible reply).</p> <p>14 Q. And do you see that the comment box that has "R.W.3" in it</p> <p>15 highlights text associated with that comment, right?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And the text that is highlighted is, "Significant impacts</p> <p>18 will be defined as potential growth rates of 50 percent or</p> <p>19 greater than," and that sentence goes on, "than the</p> <p>20 potential growth rates under the new action alternative,"</p> <p>21 right?</p> <p>22 A. Right.</p> <p>23 Q. Do you see that his comment is that the -- that, "This</p> <p>24 metric implies that other" -- excuse me, "I think this</p> <p>25 metric is useful but incomplete." Do you see that?</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. Do you know that the zoning that's being proposed is done at</p> <p>2 the parcel level?</p> <p>3 A. I would assume so.</p> <p>4 Q. I mean, this isn't just a programmatic EIS in a broad</p> <p>5 planning sense of saying, "Let's consider focusing growth in</p> <p>6 urban villages and we'll figure out the details of that</p> <p>7 later." It's not a high-level planning document in that</p> <p>8 sense, is it?</p> <p>9 A. For historic resources, it is.</p> <p>10 Q. No, but I'm talking about the action that's being proposed.</p> <p>11 The action is not adopting comprehensive plan policies that</p> <p>12 aren't specific to any particular parcel. The action is --</p> <p>13 is zone- -- rezoning of individual parcels in the city,</p> <p>14 right?</p> <p>15 A. Uh-huh.</p> <p>16 Q. He goes on to say that, "Rezoning would seem to be a</p> <p>17 stronger indicator of likelihood of demo or redevelopment,</p> <p>18 and a better of measure of significant impact." Do you see</p> <p>19 that?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Let's talk about --</p> <p>22 MR. BRICKLIN: I'd move the admission of these last two</p> <p>23 exhibits, 238 --</p> <p>24 HEARING EXAMINER: 237 and 238, any objection?</p> <p>25 UNIDENTIFIED SPEAKER: No objection.</p>

1 HEARING EXAMINER: Both are admitted.  
 2 (Exhibit Nos. 237 and 238 admitted into evidence)  
 3 Q. (By Mr. Bricklin) So let's continue talking about your  
 4 reference to programmatic EISs. Do you understand that not  
 5 all programmatic EISs have the same level of generality or  
 6 detail, as it were? That there's a spectrum.  
 7 A. Yes.  
 8 Q. So programmatic EISs are very high level, right? They might  
 9 be, as I said, adopting policies that would apply citywide,  
 10 right?  
 11 A. Uh-huh.  
 12 Q. You could have a programmatic EIS like this one that when  
 13 you look at the -- have you ever looked at the zoning maps  
 14 in the appendix to the EIS?  
 15 A. Yes.  
 16 Q. They're right down to the individual parcel. I mean, you  
 17 can -- do you live in the city?  
 18 A. Yes, I do.  
 19 Q. If you happen to live in a UV, you could find the parcel you  
 20 live on, right?  
 21 A. (No audible reply).  
 22 Q. You can see whether it's going to be zoned.  
 23 A. Theoretically.  
 24 Q. You said you had a discussion about the level of detail that  
 25 you would include in your analysis given that the EIS is a

1 on?  
 2 A. No. The other ones have been projects.  
 3 Q. All right. And what did you -- what did you understand the  
 4 requirements are for a programmatic EIS from having worked  
 5 on those two EISs?  
 6 A. That you do a description of the affected environment, that  
 7 you assess impacts, and then you look at what might be  
 8 mitigation measures, and then you discuss what could be an  
 9 unavoidable significant impact.  
 10 Q. And those are the same things you look at for a project EIS,  
 11 right?  
 12 A. Yes.  
 13 Q. So what's -- so in your mind, what was the difference  
 14 between a programmatic and a project EIS?  
 15 A. So a project EIS is more detailed. And for historic and  
 16 cultural resources, you look more closely at the  
 17 geographical area that's being impacted.  
 18 Q. You'll have to keep your voice up.  
 19 Okay. Do you -- do you recognize that the -- that's not a  
 20 bright line between a project EIS and a programmatic EIS?  
 21 That is that the level of detail for each varies depending  
 22 on how specific the proposal is.  
 23 A. Sure.  
 24 Q. Okay. Was one of your thoughts here that a more general  
 25 discussion would be okay because at the time of individual

1 programmatic EIS. Who did you have that discussion with?  
 2 A. Can you repeat the question?  
 3 Q. Yeah. I thought you testified that you had a discussion  
 4 with someone at ESA, or maybe more than one person, about  
 5 how detailed to make the analysis given that this is a  
 6 programmatic EIS.  
 7 A. Oh, yes.  
 8 Q. Who was that discussion with?  
 9 A. Paula Johnson, Sharese Graham and Mark Johnson.  
 10 Q. All right. And did you -- what did you bring to that  
 11 discussion in terms of your own personal knowledge of the  
 12 SEPA's requirements for the level of detail in a  
 13 programmatic EIS? What did you know about that subject, if  
 14 anything?  
 15 A. I brought any experience in previous EISs.  
 16 Q. And what were your -- what were the prior programmatic EISs  
 17 that you have worked on? I think you said one or two?  
 18 A. Seattle Public Schools BEX IV and V, which is two different  
 19 project -- two different EISs, Building for Excellence  
 20 programs.  
 21 Q. And what was the program that was being analyzed in those  
 22 EISs?  
 23 A. That they would be improving schools or building new  
 24 schools.  
 25 Q. Okay. And are there other programmatic EISs you've worked

1 projects, additional analysis could be done at that time?  
 2 A. Yes.  
 3 Q. Are you familiar with the vesting laws in this state?  
 4 A. No.  
 5 Q. Do you know -- so if the -- if this proposal is adopted and  
 6 property is upzoned --  
 7 A. Uh-huh.  
 8 Q. -- let's say from single-family to LR2, and a project comes  
 9 in for an apartment house in an LR2 zone, and you're going  
 10 to do historic resource review at that time, and you find  
 11 out that there's a historic resource of value there that  
 12 you'd like to save. Do you think -- are you aware whether  
 13 at that time the city has the right to say, "Oh, we're not  
 14 going to give you the LR2 zoning after all, because there's  
 15 a historic resource on this site. We're going to revert it  
 16 back to single-family"? Do you think the city has that  
 17 ability?  
 18 A. Is it happening under SEPA?  
 19 Q. No. I'm asking you -- yes, under SEPA --  
 20 A. Oh, it would be under SEPA?  
 21 Q. So -- well, my -- let me make sure we're saying the same  
 22 thing. So you do a SEPA analysis, you find out there's a  
 23 historic resource there --  
 24 A. Sure. You mean historic-aged?  
 25 Q. No. Something of historic value. You look at it. It's not

1 have not been inventoried. So we were trying to demonstrate  
2 the status of inventoried properties throughout the city to  
3 show what -- what the city's historic resources are. But  
4 it's -- like I said before, the information in the available  
5 databases was incomplete and misleading, and that's why we  
6 chose the state's data.  
7 **Q. Right. So you answered talking about the resources that are**  
8 **out there. My question was about the impacts to those**  
9 **resources, the impacts -- a cumulative impact from the**  
10 **development that's going to occur without MHA together with**  
11 **the impacts from MHA on whatever those resources are.**  
12 A. Uh-huh.  
13 **Q. You didn't analyze that, did you?**  
14 A. We looked at growth rates.  
15 **Q. You didn't analyze -- well, "looked at growth rates." You**  
16 **didn't analyze the impacts of that combined development on**  
17 **the historic -- on the fabric of these historic communities,**  
18 **did you?**  
19 A. No.  
20 **Q. "No," meaning you did not, right?**  
21 A. That is correct.  
22 **Q. And with regard to that bolded list of mitigation measures,**  
23 **you did not include in that list a description of the**  
24 **intended benefits of those mitigation measures, did you?**  
25 **You just described the mitigation measures themselves?**

1 resource experts use -- regularly refer to both databases,  
2 right?  
3 A. Sure, yeah.  
4 **Q. So it's good enough for -- so the city's database is good**  
5 **enough for some purposes, but it wasn't -- you decided it**  
6 **wasn't good enough for this EIS?**  
7 A. It wouldn't accurately allow us to do a comparison across  
8 the urban villages that was apples to apples.  
9 **Q. Right. And I want to thank you for mentioning that, because**  
10 **I was struck by that reason. Because it -- tell me if I'm**  
11 **right -- suggested to me that the reason you were portraying**  
12 **this information was to allow for this apples-to-apples**  
13 **comparison between the different UVs so that decision-makers**  
14 **and the public could say, "Well, if we put more growth in**  
15 **this UV, which has -- you know, if we -- if we're going to**  
16 **put a lot of growth in this one UV, geez, that UV has a lot**  
17 **of historic resources in it and this one doesn't. If we're**  
18 **interested in historic resources, maybe we'd be better off**  
19 **aiming our additional density over here where there's not so**  
20 **many resources." Was that the idea of trying to give them**  
21 **apples-to-apples information?**  
22 A. That was not the intent of the figure alone, just, I mean,  
23 by mapping them was to show the distribution of them, but it  
24 wasn't to show that those are the only historic resources in  
25 the city.

1 A. Yes.  
2 **Q. Is that right?**  
3 A. We described the mitigation measures, yes.  
4 **Q. Right. But not the intended benefits, correct?**  
5 A. I think that was implied, but, no, not specifically.  
6 **Q. So let's talk about the data. And one of the points you**  
7 **made repeatedly was that the data in the city's database**  
8 **is -- has problems, it's incomplete, it's -- some of it's**  
9 **old, correct?**  
10 A. Correct.  
11 **Q. In fact, the data in WISAARD, the state database, suffers**  
12 **from those same problems, doesn't it?**  
13 A. It is regularly maintained. Any time I find an error, if I  
14 do, I send it to Kim Gant and she changes it immediately.  
15 So just with any data set, it does have its own problems,  
16 but it's regularly maintained.  
17 **Q. Have you ever reviewed the two data sets to compare the**  
18 **degree to which either or the other is susceptible to having**  
19 **errors in it or being out of date?**  
20 A. I use both, so I'm not sure how --  
21 **Q. You do use both?**  
22 A. Yes, I do.  
23 **Q. I was going to ask you that, too. You were commenting about**  
24 **the limitations of the city's database. You use both. In**  
25 **fact, most -- you're aware, aren't you, that most historic**

1 **Q. No. But I guess I'm trying to get at -- I'm trying to**  
2 **understand why it was important to you that you had the same**  
3 **quantum of information or the same qualitative information**  
4 **for the different UVs.**  
5 A. Oh.  
6 **Q. Why was that important?**  
7 A. Well, in any EIS, you're supposed to look at the study area  
8 equally and --  
9 **Q. Where is that from?**  
10 A. I don't know the exact citation for that, but that's based  
11 on my experience.  
12 **Q. Okay. Go on.**  
13 A. And so in order to make an accurate description of the  
14 different urban villages and what has been recorded, we  
15 wanted to use data that was equal and didn't have gaps. And  
16 the city's database does have gaps. So we thought it would  
17 be misleading as well as not appropriate at this scale to  
18 map all of those points when I showed in the exhibits  
19 earlier that you have areas that are absent of data, which  
20 doesn't mean that there aren't properties there that are of  
21 a certain age.  
22 **Q. Right. And I understand if you're trying to compare one UV**  
23 **versus the other, you'd want to -- you know, for that**  
24 **purpose, you might want to have an apples-to-apples**  
25 **comparison, right? Is that what you're saying?**

<p style="text-align: right;">Page 245</p> <p>1 A. Yes.</p> <p>2 Q. But how about if you're interested in -- you're focused on</p> <p>3 one UV in particular, Ravenna, North Rainier, you know, and</p> <p>4 you're trying to decide where to draw the lines in that UV</p> <p>5 or what densities to apply in that UV, wouldn't you want to</p> <p>6 have the best information reasonably available to you?</p> <p>7 A. I would assume so.</p> <p>8 Q. Right. And the fact that you didn't have such high-quality</p> <p>9 information for some other UV in another part of town, that</p> <p>10 wouldn't stop you from wanting to have the best information</p> <p>11 reasonably available to you in the UV that you're looking</p> <p>12 at, right?</p> <p>13 A. For that user, yes.</p> <p>14 Q. And do you understand the city and the members of the public</p> <p>15 were deciding here not just how much growth to put in one UV</p> <p>16 versus another, the apples-to-apples thing, but they were</p> <p>17 also deciding where to draw the lines and how much density</p> <p>18 to -- where to put additional density within any</p> <p>19 individual UV?</p> <p>20 A. Right.</p> <p>21 Q. And so you're acknowledging, basically -- let's use that</p> <p>22 South Park map that you had, Exhibit 234, and you're saying,</p> <p>23 "Well, I didn't want to present this information because</p> <p>24 I've got better information in South Park than I have over</p> <p>25 here in Westwood," right?</p>	<p style="text-align: right;">Page 247</p> <p>1 just provide "presence, absence," but --</p> <p>2 Q. Yep.</p> <p>3 A. -- doing that at this scale, in my experience, would be very</p> <p>4 unusual.</p> <p>5 Q. Well, you know, let's -- you know, like one of these dots</p> <p>6 is -- you know, is a specific parcel, right? Each of these</p> <p>7 dots is on a specific parcel, right?</p> <p>8 A. Yes.</p> <p>9 Q. And each of those parcels, if you turn to the zoning map, is</p> <p>10 either going to have its zoning changed or not, right?</p> <p>11 A. Potentially, yes.</p> <p>12 Q. Don't you think it would be important for decision-makers</p> <p>13 deciding whether to change the zoning on a parcel to know</p> <p>14 whether it's been identified as a potential historic</p> <p>15 resource in the city's database?</p> <p>16 A. Potentially.</p> <p>17 Q. I'm just going back to that -- the apples-to-apples issue</p> <p>18 for a second. You said that you didn't use this resource</p> <p>19 data because it wasn't available across all the UVs. But</p> <p>20 isn't it also true that you didn't have context statements</p> <p>21 across all the UVs, but you used the context statements</p> <p>22 where you had them?</p> <p>23 A. Yes.</p> <p>24 Q. Because those would provide -- even though it doesn't --</p> <p>25 well, that's fine. I'll just leave it at that.</p>
<p style="text-align: right;">Page 246</p> <p>1 A. Uh-huh.</p> <p>2 Q. But if I'm a decision-maker or a member of the public trying</p> <p>3 to decide where to draw the line in South Park, wouldn't I</p> <p>4 want to know where the lines are in relation to those red</p> <p>5 dots?</p> <p>6 A. Well, like I said before, those red dots are not equal.</p> <p>7 Q. We'll get to that, but I'm talking about your</p> <p>8 apples-to-apples rationale. Okay. That apples-to-apples</p> <p>9 rationale, if applied, to say, "Well, I'm not going to</p> <p>10 provide that South Park information," deprives the public</p> <p>11 and the decision-maker of information that you had available</p> <p>12 to you about where those -- where potential historic</p> <p>13 resources are in that UV, right?</p> <p>14 A. We do disclose that there are inventoried properties in</p> <p>15 South Park, and there is a historic-context statement for</p> <p>16 South Park.</p> <p>17 Q. Right.</p> <p>18 A. Yes.</p> <p>19 Q. And -- but did you -- so there's one sentence in a long</p> <p>20 chapter that says there's a context statement or there's an</p> <p>21 X-mark on a chart, but you don't provide this data, do</p> <p>22 you --</p> <p>23 A. We pro- --</p> <p>24 Q. -- that's on 234?</p> <p>25 A. -- we provide counts, I be- -- no, we don't provide. We</p>	<p style="text-align: right;">Page 248</p> <p>1 MR. BRICKLIN: I think that's all I have. Thank you.</p> <p>2 MS. BENDICH: We have three minutes. Do you want me to</p> <p>3 just go?</p> <p>4 HEARING EXAMINER: Use them.</p> <p>5 MS. BENDICH: Okay.</p> <p>6</p> <p>7 CROSS-EXAMINATION</p> <p>8 BY MS. BENDICH:</p> <p>9 Q. Do you recall referencing a "Start Property Survey Report"</p> <p>10 (phonetic) by Mamie Sheridan (phonetic)?</p> <p>11 A. Which one? She wrote more than one, I think.</p> <p>12 Q. Okay. The one that talks about the Commercial District?</p> <p>13 A. Yes.</p> <p>14 Q. I want to just make sure I have another --</p> <p>15 MR. BRICKLIN: Are you looking for that?</p> <p>16 Mr. Examiner, could I move the admission of the exhibits</p> <p>17 that I off- -- that I (inaudible)?</p> <p>18 HEARING EXAMINER: (Inaudible).</p> <p>19 MR. BRICKLIN: I'd move the admission of --</p> <p>20 MR. JOHNSON: You did some of them.</p> <p>21 MR. BRICKLIN: Yeah, I thought I did some --</p> <p>22 HEARING EXAMINER: Yes, we're good.</p> <p>23 MR. BRICKLIN: I got them all?</p> <p>24 HEARING EXAMINER: We're clear, uh-huh.</p> <p>25 Q. (By Ms. Bendich) And this is marked as -- or it's been</p>

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1 testimony, such as Mr. Bricklin. He's not here this week;  
 2 he may be here next week. But there may be testimony at the  
 3 end of the week, which is continued to the following week,  
 4 but he wasn't here for it. And he may have questions of  
 5 that witness. So I'm not going -- so my issue is, I'm  
 6 concerned that if Mr. Kisielius is allowed to do -- take  
 7 over to defend this witness, will our attorneys have the  
 8 same opportunity to do that if there's a witness that's been  
 9 continued to the following --  
 10 HEARING EXAMINER: The issue with the counsel you  
 11 mentioned is that he's counsel for a separate party. You  
 12 are not -- even though you are all on the same team, you are  
 13 not representing the same parties. And so I wasn't going to  
 14 allow another party to have an opportunity for questioning  
 15 when that party's representative had not appeared.  
 16 MS. BENDICH: Okay. I wasn't aware of what the rationale  
 17 was. So you're saying --  
 18 HEARING EXAMINER: I would certainly allow Mr. Bricklin  
 19 and Ms. Newman to substitute in and out for each other if  
 20 their firms of schedule called for that.  
 21 MS. BENDICH: Okay.  
 22 HEARING EXAMINER: That's common practice.  
 23 MS. BENDICH: All right.  
 24 HEARING EXAMINER: I would certainly allow that. But if a  
 25 party's representative isn't even in the room, I'm not going

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1 to allow that party a shot to ask questions of a witness  
 2 that they --  
 3 MS. BENDICH: Okay.  
 4 HEARING EXAMINER: -- if they didn't have the time or  
 5 chose not to show up for it.  
 6 MS. BENDICH: All right. But because it's the same -- I'm  
 7 just getting clarity -- because it's the same party, which  
 8 is the City, you're saying that they can interchangeably as  
 9 well to their attorneys.  
 10 HEARING EXAMINER: Yes.  
 11 MS. BENDICH: All right. Okay. I'm going to now resume  
 12 cross-examination.  
 13  
 14 CROSS EXAMINATION  
 15 BY MS. BENDICH:  
 16 Q. Ms. Wilson, I'm Judith Bendich. On July 27th, when  
 17 Mr. Johnson was asking you questions, you stated that you  
 18 became aware through Charise Graham about your role in the  
 19 FEIS -- in the EIS. And you spoke with Paula Johnson about  
 20 it, and you also met with Mark Johnson. You testified that  
 21 we discussed the approach to take as a programmatic EIS and  
 22 the scope. So could you be more specific than that? What  
 23 did each person suggest as to each of these what a  
 24 programmatic EIS was and the scope?  
 25 A. Sure. We discussed the typical level of detail for

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1 programmatic EIS.  
 2 Q. I would prefer that you not use the word "we." I would  
 3 prefer that you say specifically what each of these  
 4 individuals with -- for whom you said you had discussions  
 5 stated.  
 6 A. Mm-hmm. Okay. Okay. Paula Johnson discussed the typical  
 7 level of detail for programmatic EIS. She, Paula Johnson,  
 8 and I discussed programmatic EISs that I had worked on and  
 9 that she had supervised, so that would include Seattle  
 10 Public School Districts Building for Excellence 4 and 5  
 11 programmatic EISs. I know that's a mouthful. Those were  
 12 two separate programmatic EISs.  
 13 Specific topics within that were the scope of the  
 14 affected environment, so the level of detail that would be  
 15 appropriate to characterize the affected environment within  
 16 the study area for that particular -- for the MHA  
 17 programmatic EIS. We, Paula Johnson and I, discussed the  
 18 available information that could be used. And so then  
 19 separately, Mark Johnson and I discussed those similar  
 20 issues, so --  
 21 Q. What did Mr. Johnson say?  
 22 A. Mr. Johnson provided his opinion on the level of detail for  
 23 a programmatic EIS. We, Mark Johnson and I, looked at the  
 24 scope of work that was provided and Mark Johnson and I  
 25 discussed how we might use the information available to

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1 describe the affected environment. And that included  
 2 looking at the annexation dates for the City to address the  
 3 pattern of growth within the City of Seattle to look at the  
 4 state data of known historic resources; those are ones that  
 5 are listed or determined eligible for listing in a historic  
 6 register. And Mark Johnson and I discussed what maps could  
 7 be included. Let me see. We --  
 8 Q. Let's stop you there.  
 9 A. Okay.  
 10 Q. What did he say about maps, and what did you say about maps?  
 11 MR. KISIELIUS: Mr. Examiner, I'm going to object on  
 12 relevance grounds. This is an appeal of inadequacy of the  
 13 EIS. The words stand for themselves. The testimony that's  
 14 being elicited right now as to who said what and when that  
 15 led to the work product is not relevant to the issue of  
 16 whether the analysis itself is adequate.  
 17 MS. BENDICH: I think it goes to we have Ms. Wilson taking  
 18 full credit for this EIS, and I want to find out -- and  
 19 we're going to have these witnesses testifying -- what each  
 20 one played the role in, whether these were directive or not  
 21 because that affects what the overall scope of this EIS was  
 22 and how it came together.  
 23 MR. KISIELIUS: I'll just say that that proves the point  
 24 that this is irrelevant whether it was directive or not.  
 25 The motive behind what -- and we don't agree with the theory

1 that's being advanced here -- but even if that were the  
2 case, that is irrelevant to what the document says and  
3 whether or not it's adequate.  
4 HEARING EXAMINER: Overruled. The City has a thought  
5 process behind this, and they've been mid-step in trying to  
6 explain the thought process to it. The appellants are  
7 trying to understand that thought process that results --  
8 that created the result, and the whole hearing is about how  
9 did we get here, not just about what's on the pages. It  
10 also includes the work product that went into it.  
11 **Q. (By Ms. Bendich) So I believe we were talking about the**  
12 **maps.**  
13 **A. Mm-hmm.**  
14 **Q. Who suggested what?**  
15 **A. So -- let's see. In meeting with Mark Johnson, I asked him**  
16 **what he thought should be mapped, so we discussed those**  
17 **properties which are listed on a historic register or have**  
18 **been determined eligible. Or we also discussed mapping**  
19 **those designated historic districts within the city, so**  
20 **those that are either designated Seattle historic districts**  
21 **or those that are National Register listed historic**  
22 **districts. The rationale for not mapping the historic**  
23 **districts is that --**  
24 **Q. I don't want the rationale. I want to know who said what.**  
25 **Okay. You just said --**

1 **A. Okay.**  
2 **Q. -- Mr. Johnson and you discussed these various things. What**  
3 **did -- was there anything specifically that he suggested?**  
4 **A. I was just about to answer that.**  
5 **Q. Okay. Go ahead.**  
6 **A. So Mark Johnson said not to have the historic district**  
7 **because the proposal states that it would not rezone within**  
8 **historic districts. So that decision, the directive from**  
9 **Mark Johnson was to not put those on maps.**  
10 **Q. Okay. And what about things that were in the City's**  
11 **database? Just surveyed properties. Did you discuss -- did**  
12 **he discuss anything about that?**  
13 **A. I don't recall discussing that with Mark, but I did discuss**  
14 **that with Paula Johnson. Paula Johnson said that she did**  
15 **not think that would be appropriate because the -- there are**  
16 **various issues which I've already testified about with the**  
17 **data that's within that database.**  
18 **Q. And then you also mention that you had talked with Charise**  
19 **Graham, do you recall that?**  
20 **A. Yes.**  
21 **Q. And what did -- what was -- what was it that she talked**  
22 **about?**  
23 **A. So she and I met; we looked over the scope of work. We, she**  
24 **and I, discussed how to address significance criteria, how**  
25 **to define significant, which you have to do for EIS**

1 typically, and she said that the -- she felt the most  
2 appropriate metric would be to use the projected growth  
3 rates.  
4 **Q. So it -- it was Ms. Graham who suggested this 50 percent**  
5 **that Mr. Bricklin asked you about?**  
6 **A. That was suggested by Paula Johnson, and then I went to**  
7 **Charise Graham who is the project manager -- was the project**  
8 **manager for this, and she agreed she felt that that would be**  
9 **an appropriate metric.**  
10 **Q. Okay. So this didn't come from you?**  
11 **A. It was a discussion between Paula Johnson and I. We**  
12 **discussed numbers, but Paula Johnson felt 50 percent would**  
13 **be reasonable.**  
14 **Q. Thank you. And was -- no. Do you agree that a draft and a**  
15 **final -- well, that a draft EIS is to educate the public and**  
16 **decision makers about what the overall proposals are?**  
17 **A. Yes, and to solicit public comment.**  
18 **Q. Okay. You mentioned the programmatic EISs you were involved**  
19 **with. Did any of those involve zoning?**  
20 **A. No. For the school district, I don't believe they involved**  
21 **zoning.**  
22 **Q. Didn't it -- did it involve anything with respect to**  
23 **parcels, individual parcels?**  
24 **A. Well, it involved all of the school's potential project**  
25 **locations, which are, of course, on specific parcels.**

1 **Q. Okay. But nothing broader than that?**  
2 **A. What do you mean?**  
3 **Q. Well, it didn't go into the neighborhood to rezone anything**  
4 **next to the school district?**  
5 **A. I don't believe so, no.**  
6 **Q. Okay. Anywhere you -- you talked about this applies to**  
7 **apples approach, that the reason that you -- I won't say it**  
8 **was you decided -- the reason that either Mr. Johnson --**  
9 **that either Ms. Johnson or Mark Johnson decided not to use**  
10 **most mapping other than the state WISAARD data?**  
11 **A. Mm-hmm.**  
12 **Q. Was this applies to apples approach your call, your**  
13 **testimony?**  
14 **A. Yes.**  
15 **Q. You wanted to make sure that there was a spread --**  
16 **A. Yes.**  
17 **Q. -- that reflected various sections of the city?**  
18 **A. Yes.**  
19 **Q. Is there anywhere in section 3.5 of the EIS where you**  
20 **explicitly -- where it explicitly states why there was only**  
21 **that map?**  
22 **A. I don't believe so.**  
23 **Q. So a decision maker who's looking at this, or the public**  
24 **wouldn't know, would they, that this was the rationale for**  
25 **putting only that map in there?**

1 A. I don't believe we explained that, no.  
 2 Q. Okay. And did anyone in your group -- this includes  
 3 Ms. Graham, Mr. Johnson, your supervisor -- did anyone  
 4 discuss that because the EIS impacts specific parcels within  
 5 the city, the project area, the EIS should have greater  
 6 specificity as to where historic properties are actually  
 7 located?  
 8 A. No.  
 9 Q. When you were looking at the various databases listing  
 10 historic properties on the DON website and the context  
 11 statements, and you're talking about Ms. Sodt on one  
 12 occasion after the DEIS was published, did you read anything  
 13 else to assist you in writing the draft EIS?  
 14 A. Could you repeat that?  
 15 Q. Well, you've mentioned that you looked at the DO -- the  
 16 Department of Neighborhoods listing for survey property?  
 17 A. Right.  
 18 Q. You looked at WISAARD?  
 19 A. Right.  
 20 Q. You looked at -- did you even look at what was already  
 21 landmarked?  
 22 A. I did.  
 23 Q. Okay. So you looked at that. Did you read anything else  
 24 besides those things?  
 25 A. Yes, I read the historic context statements that the City

1 I did look at that for any regulatory framework that might  
 2 apply.  
 3 Q. So what did you find in the E -- in the 2035 comprehensive  
 4 plan doing a keyword search of historic -- whatever the  
 5 keywords were?  
 6 A. So typically in that document, it seems to be -- they use  
 7 the term cultural and historic in ways that are not  
 8 technically specific to my discipline. So they use historic  
 9 in these broad terms. So it's not necessarily meaning a  
 10 property which is listed or determined eligible property.  
 11 Q. So were there any sections of the 2035 comprehensive plan  
 12 which you believe should be included in section 3.5?  
 13 A. No.  
 14 Q. All right. Before you began, did you take a look at the  
 15 Washington State Environmental Policy Act and the  
 16 administrative regulations or provisions, the code that  
 17 pertains to programmatic EISs and historic resources?  
 18 A. Not directly, but I am aware of those.  
 19 Q. You didn't reread them?  
 20 A. No, I did not.  
 21 Q. And did you take a look at the Seattle Municipal Code  
 22 provisions that pertain to EISs generally?  
 23 A. I am aware of that, and I've looked at that for other  
 24 projects. I don't recall if I reread that before starting  
 25 this.

1 has prepared. I read some -- I looked at some historical  
 2 maps to show -- to familiarize myself with the development  
 3 of the history of Seattle. I looked at the annexation dates  
 4 which comes from a published --  
 5 Q. Mm-hmm.  
 6 A. -- book. I don't have that title coming to mind right now.  
 7 I think it's A History of Seattle Public Utilities or  
 8 something like that, municipal engineering. What else? I'd  
 9 have to go back and look at the project notes I have.  
 10 Q. Okay. Did you -- you mentioned that you had looked at part  
 11 of the uptown EIS; is that right?  
 12 A. I looked at the mitigation measures of that.  
 13 Q. Okay. Did you look at the University District, the EIS or  
 14 FEIS?  
 15 A. I don't believe so.  
 16 Q. All right. How about the International District EIS or --  
 17 A. No.  
 18 Q. Or downtown even?  
 19 A. No.  
 20 Q. Did you look at those? After beginning this preparation,  
 21 did you take a look at the provisions in the 2035  
 22 comprehensive plan?  
 23 A. I (inaudible) that to see what it said -- well, I -- it's  
 24 very large. I did keyword searches to see what it said  
 25 about historic resources, and it was not very specific. But

1 Q. You didn't reread it?  
 2 A. I don't recall rereading it.  
 3 Q. Did you look at the regulate -- or the City's ordinances on  
 4 landmark --  
 5 A. Yes.  
 6 Q. -- preservation? You did?  
 7 A. Yes. And the CAM 3000, are you familiar with that?  
 8 Q. Well, go ahead, tell me about it.  
 9 A. Client Assistant Memo -- Client Assistance Memo 3000. It's  
 10 a -- details the relationship between DPD, which is now  
 11 SDCI, and the Landmarks Preservation Board in terms of which  
 12 properties would need to be referred to Landmarks  
 13 Preservation Board for evaluation as a potential landmark.  
 14 Q. Right. I think you testified about that.  
 15 A. Mm-hmm.  
 16 Q. Do you recall Seattle Municipal Code provision 2505.402B  
 17 general requirements that says, "Agencies shall prepare  
 18 Environmental Impact Statements as follows: B, the level of  
 19 detail should -- shall be commensurate with the importance  
 20 of the impact with less important materials summarized,  
 21 consolidated, or referenced." Did you read that?  
 22 A. No.  
 23 Q. The zoning is -- every parcel within the project area is a  
 24 level of detail that's fairly obvious if you took a look at  
 25 the maps in the EIS. Did you look at those?

1 A. I did look at them. I think that was after the draft.  
 2 Q. At what point, if at all, did you learn that the City was  
 3 actually using the maps to put in higher density on every  
 4 parcel that was within in upzoning process in each  
 5 individual urban village?  
 6 A. Could you repeat that, please?  
 7 Q. At what point did you come to understand that the maps  
 8 reflected increased density and increased upzoning within  
 9 the urban villages?  
 10 A. I mean, that was aware to me from the beginning because I  
 11 read the project description and what the proposal was for  
 12 each alternative.  
 13 Q. Okay. But you didn't actually look at those until after the  
 14 draft was --  
 15 A. The actual maps? No.  
 16 Q. And I believe when Mr. Bricklin was asking you questions,  
 17 you agreed that the upzoning within a specific urban village  
 18 or a specific expansion area that this has historic  
 19 resources -- will impact those historic resources, right?  
 20 A. Could you repeat that?  
 21 Q. I said you agree -- and I think you already testified to  
 22 this but I just want to nail it down -- that upzoning within  
 23 a specific urban village or a specific expansion area, that  
 24 the historic resources will impact those historic resources,  
 25 the upzoning; is that right?

1 A. Hmm. I don't believe so.  
 2 Q. I believe you testified that an EIS only requires the  
 3 preparer -- that's yourself -- to identify eligible historic  
 4 resources; is that right?  
 5 A. No, it's also listed in eligible historic resources.  
 6 Q. Listed?  
 7 A. Yes.  
 8 Q. Okay. Listed meaning, like, on WISAARD; is that what you  
 9 mean?  
 10 A. No. So listed means a property that is listed on a  
 11 national -- like, a national, state, or local register. So  
 12 that's a National Register of historic places. That would  
 13 be the Washington state register that would be in Seattle,  
 14 the Seattle landmarks list. And if you're talking about  
 15 King County, there's a King County landmarks list as well,  
 16 so it depends on where the project is happening. There are  
 17 different local registers.  
 18 Q. Okay. So I'm just confused. Let me tell you what I'm  
 19 confused about. I understand things that are on lists.  
 20 A. Mm-hmm.  
 21 Q. What I'm not understanding from your testimony is what's  
 22 eligible historic resources.  
 23 A. Okay. So --  
 24 Q. What does eligible mean?  
 25 A. So eligible means that a property has gone through a survey;

1 MR. KISIELIUS: Objection; misstates the testimony.  
 2 MS. BENDICH: I've actually read the testimony -- or heard  
 3 the testimony.  
 4 MR. KISIELIUS: As did I.  
 5 Q. (By Ms. Bendich) What's your understanding as to how the  
 6 upzoning will impact historic resources?  
 7 A. Well, any landmark would not be -- any landmark that is --  
 8 there's a project proposed on or at or adjacent to -- it's  
 9 complicated. So if there's work that's adjacent to a  
 10 landmark and it's -- involves demolishing a building that's  
 11 over 50 years old and the project is subject to SEPA, then  
 12 that building would be -- those impacts would be evaluated  
 13 because it's adjacent to a landmark, so that could be an  
 14 impact of this. Any property which is historic age which  
 15 might meet the eligibility criteria for being listed as a  
 16 landmark or going on a historic register that is happening  
 17 in a project that's not subject to SEPA, that could be an  
 18 impact.  
 19 Q. Okay. And where does it say that in section 3.5?  
 20 A. I believe there is a section on page 3.305 that discusses  
 21 projects that are not subject to SEPA and that that might  
 22 have impacts to historic properties.  
 23 Q. And is there anything that helps the decision maker on an  
 24 urban village by urban village basis understand where that  
 25 impact will take place?

1 the surveyor recommended it eligible. The decision maker  
 2 then concurred with that eligibility recommendation and that  
 3 it is in a specific category which is determined eligible.  
 4 This is used for the National Register of Historic Places.  
 5 When you're talking about landmarks, landmarks are either a  
 6 landmark or they're not a landmark. There's no determined  
 7 eligible category for Seattle landmarks.  
 8 Q. Okay. So I'm just -- I just need clarity on that. So if a  
 9 building, a structure, or a district might potentially meet  
 10 the criteria for listing in a local state or historic  
 11 register --  
 12 A. Mm-hmm.  
 13 Q. -- potentially or as a landmark, is it correct to say that  
 14 you wouldn't say that was eligible?  
 15 A. I would say no because it hasn't been fully evaluated. It's  
 16 not just based on age. It's based on established criteria  
 17 of what a property needs to meet to be considered an actual  
 18 historic resource that is eligible.  
 19 Q. And did you read that someplace?  
 20 A. I'm sorry?  
 21 Q. Did you read that somewhere?  
 22 A. Well, Seattle landmarks has it listed in the code what a  
 23 property needs to meet. There's -- I don't remember how  
 24 many. I think there's seven criteria beyond age. It also  
 25 has to retain its integrity and be able to convey its

1 historical significance. National Register uses their own  
2 criteria, which are similar to Seattle. Seattle based  
3 theirs off of -- theirs is very common. So those are  
4 established criteria in Seattle code and in the Federal  
5 Register.  
6 **Q. What about SEPA?**  
7 A. Well, SEPA also in question 13, the SEPA checklist it says  
8 is, you know, what you're supposed to look at for historic  
9 properties. That would be a building, structure, or an  
10 object that's 45 years or older that, you know, is listed on  
11 or eligible for listing on a historic register.  
12 **Q. Okay. So I'd like to read you section 13, okay? This is**  
13 **WAC, WAC 197-11-960 environmental checklist --**  
14 A. Mm-hmm.  
15 **Q. -- section -- paragraph 13, subsection A. Are there any**  
16 **buildings, structures, or sites located on or near the site**  
17 **that are 45 years old listed in or eligible for listing in**  
18 **national, state, or local preservation registers? Now**  
19 **you've already described listed in.**  
20 A. Mm-hmm.  
21 **Q. You've identified all those, but this is a disjunctive**  
22 **clause. I mean, an eligible for listing doesn't necessarily**  
23 **mean that it's already been determined to be eligible, does**  
24 **it? Is that what you are saying?**  
25 A. The way that has always been interpreted for all the SEPA

1 A. Mm-hmm.  
2 **Q. -- was applying for a National Historic District**  
3 **designation, that that information had been provided to the**  
4 **Department of Neighborhoods. So clearly that was -- and**  
5 **that an application had been permit -- already given to the**  
6 **state, the Department of Archaeology and Historic**  
7 **Preservation. Did you ask the question whether there was**  
8 **anything that was being under study?**  
9 A. No, that's not standard.  
10 **Q. I'm just reading you what the checklist said. You said**  
11 **you'd read the checklist.**  
12 A. Yes, but I've never -- I've never analyzed something that's  
13 not actually official historic resource, so -- which I've  
14 already explained what that is.  
15 **Q. Okay. So when you say you've never actually -- are you**  
16 **saying any of the work that you've done, everything has**  
17 **already been analyzed as a historic research?**  
18 A. No, absolutely not. I'm saying in the context of SEPA, I've  
19 only ever analyzed properties that are within the categories  
20 that you are supposed to analyze.  
21 **Q. Well, this is actual language from SEPA.**  
22 A. Well, I --  
23 **Q. So you're saying you've never -- okay. You've just said**  
24 **you --**  
25 A. I can't answer that any differently than I already have.

1 checklists I've worked on is that you interpret eligible as  
2 determined eligible. That is eligible in the sense that  
3 someone who is a decision maker has looked at that and has  
4 made an official determination.  
5 **Q. Wouldn't that be the same as listing?**  
6 A. No, it's not.  
7 **Q. All right. Now I am going to read to you from that same**  
8 **section. There's a page that states D --**  
9 A. Mm-hmm.  
10 **Q. -- supplemental sheet for nonproject actions. Now, this is**  
11 **a nonproject action, isn't it?**  
12 A. Yes.  
13 **Q. Okay. It says, "When answering these questions, be aware of**  
14 **the extent of the proposal where the types of activities**  
15 **likely to result from the proposal would affect the item at**  
16 **a greater intensity or at a faster rate than if the proposal**  
17 **were not implemented. Respond briefly and in general terms.**  
18 **No. 3, how would the proposal be likely to use or affect**  
19 **environmentally sensitive areas or areas designated" -- and**  
20 **there's a parenthesis -- "or eligible or under study," end**  
21 **parenthesis "for governmental protection such as historic or**  
22 **cultural sites." So does your definition include properties**  
23 **or structures that are under study?**  
24 A. I'm not familiar with that category, no.  
25 **Q. So we had testimony in this case that Mel Baker --**

1 **Q. Okay. You've just said you did not ever consider anything**  
2 **that was under study; is that correct?**  
3 A. Yes, and from my experience that is standard.  
4 HEARING EXAMINER: Ms. Bendich, what was the section  
5 number?  
6 MS. BENDICH: Okay. It is section -- okay. It's WAC  
7 197.11.960, it's No. 13. Then -- and that says historic --  
8 that says environmental checklist. Okay. Then it goes to  
9 13A, which I had read allowed. And then the -- if you flip  
10 the page on that, there is a D that says, "Supplemental  
11 sheet for nonproject actions," and that was what I just  
12 read.  
13 HEARING EXAMINER: So, I'm sorry, you're not reading from  
14 the WC, you're reading something else?  
15 MS. BENDICH: No, I'm actually reading from the WAC.  
16 HEARING EXAMINER: I'm looking at the WAC right now.  
17 MS. BENDICH: There was an additional --  
18 HEARING EXAMINER: So are you looking for some -- you must  
19 be citing something different than simply the WAC.  
20 MS. BENDICH: I was citing the WAC, and then it said --  
21 there's a page that follows that says D -- that says, "D,  
22 supplemental sheet for nonproject actions," in the WAC.  
23 HEARING EXAMINER: This is under subsection 13?  
24 MS. BENDICH: It was. I have that.  
25 HEARING EXAMINER: Well, I don't want to interrupt your

1 flow, but --  
 2 MS. BENDICH: I can hand this up -- I can hand it up to  
 3 you.  
 4 HEARING EXAMINER: -- (inaudible) provide a copy of that  
 5 because that's not in the Washington state legislator's copy  
 6 of the WAC.  
 7 MS. BENDICH: Okay. I found it there, and I can hand this  
 8 over to you. It shows it.  
 9 MR. KISIELIUS: Mr. Examiner, are you looking at it  
 10 online?  
 11 HEARING EXAMINER: Mm-hmm.  
 12 MR. KISIELIUS: At the very bottom there's a section D.  
 13 It might be confusing because Ms. Bendich omitted some of  
 14 the words from the section.  
 15 HEARING EXAMINER: Section 13, Historic and Cultural  
 16 Preservation?  
 17 MR. KISIELIUS: No, no, in --  
 18 HEARING EXAMINER: There is a D, it says, "Proposed  
 19 measures to avoid, minimize, or compensate for loss,  
 20 changes, and disturbance of resources. Please include plans  
 21 for the above and any permits that would be required."  
 22 MR. KISIELIUS: It's the very, very bottom. So I'm  
 23 looking at --  
 24 HEARING EXAMINER: The section (inaudible).  
 25 MR. KISIELIUS: -- the 960.

1 its entirety before asking questions about it.  
 2 MS. BENDICH: Well, most of it doesn't apply because it  
 3 has water emissions, air -- you know, production. It's  
 4 No. 4 under that section, and I did not state that.  
 5 HEARING EXAMINER: Okay.  
 6 MS. BENDICH: Okay? And I did read that in its entirety.  
 7 **Q. (By Ms. Bendich) Are you familiar with Montlake as being an**  
 8 **historic district?**  
 9 A. It's a National Register district, yes.  
 10 **Q. Okay. And does that have protections from the City of**  
 11 **Seattle?**  
 12 A. It is something that should -- well, okay. So if there's a  
 13 project that's subject to SEPA, you are supposed to consider  
 14 resources that are listed, so that would be a listed  
 15 resource. So if a project is happening within the district  
 16 boundaries and it's subject to SEPA, I would assume that  
 17 impacts would need to be considered. If it's a  
 18 federally-funded project, then, yes, it would -- definitely  
 19 impacts to that would need to be considered.  
 20 **Q. Okay. And why, if it's a federally-funded project does it**  
 21 **need to be considered, whereas if there's no federal money**  
 22 **in it it doesn't?**  
 23 A. Federal undertaking -- so that would be projects that are  
 24 being federally funded -- need a federal permit, like,  
 25 something from the Army Corps for work within U.S. waters or

1 HEARING EXAMINER: Right. Okay.  
 2 MR. KISIELIUS: And it's a template for an environmental  
 3 checklist, and at the very, very bottom --  
 4 HEARING EXAMINER: I see.  
 5 MR. KISIELIUS: -- there's a D.  
 6 HEARING EXAMINER: So it's not in section 13.  
 7 MR. KISIELIUS: Correct. It's D.  
 8 HEARING EXAMINER: Yes.  
 9 MR. KISIELIUS: And I think she was reading -- that's  
 10 parts of D4.  
 11 HEARING EXAMINER: That reference to --  
 12 MS. BENDICH: Yes, D4.  
 13 HEARING EXAMINER: -- 13 was confusing to me.  
 14 MS. BENDICH: Okay. Okay. But it is -- it does have  
 15 statutory authority in orders that are listed down at the  
 16 bottom of that page.  
 17 HEARING EXAMINER: I was just looking for the language.  
 18 You referenced section 13. It is --  
 19 MS. BENDICH: Yes, I agree.  
 20 HEARING EXAMINER: -- its own -- that's in subsection A;  
 21 this is a whole other subsection.  
 22 MR. KISIELIUS: And I was trying to catch up with  
 23 Ms. Bendich, but I (inaudible) was not able to object. But  
 24 I would ask if she's going to be reading from code without  
 25 giving the witness the entirety of it, that she read it in

1 on federal land; that would not be the case in this  
 2 situation. There is a -- the National Historic Preservation  
 3 Act would apply, and that is typically referred to as  
 4 section 106, so for cultural and archaeological resources  
 5 where you have to undergo a very thorough analysis of  
 6 potential impacts. So as a National Register district, it  
 7 would need to be considered if there's a federal  
 8 undertaking.  
 9 **Q. All right. So my understanding is that Montlake was part of**  
 10 **the 520 project that had federal funds, and therefore it got**  
 11 **that protection; is that what you understand?**  
 12 A. I didn't work on that project, but that's my understanding.  
 13 **Q. Okay. But in terms of the way -- what I'll call the --**  
 14 **well, in Montlake -- you know where Montlake is?**  
 15 A. Yes, I do.  
 16 **Q. And it's within a 10-minute walk zone of Husky Stadium to**  
 17 **get to the light rail, isn't it? Parts of it?**  
 18 A. I haven't walked it myself, but I would think that's -- it's  
 19 close, yes.  
 20 **Q. Okay. So that would be protected from upzoning under the**  
 21 **national section 10- 1.06; is that your understanding, or**  
 22 **you don't know?**  
 23 A. Section 1.06, I don't know how that would be relevant to  
 24 upzoning.  
 25 **Q. Was there any recommendation in the EIS that all newly**

1 established historic districts be treated similarly so they  
2 would be preserved or not subject of upzoning (inaudible)?  
3 A. There is a sentence in the chapter that discusses newly  
4 created historic districts that would be evaluated at the  
5 time of their creation.  
6 Q. All right. But anything that was already part of the  
7 National Historic District would be grandfathered in; is  
8 that right?  
9 A. Well, there being -- the project was described in the  
10 project description, sorry, there would be no change within  
11 established historic districts.  
12 Q. So with the Ravenna-Cowen, you're aware of the Ravenna-Cowen  
13 North Historic District?  
14 A. Through listening to testimony here.  
15 Q. Okay. And I believe that was -- we had testimony and  
16 exhibits that that was designated as a state historic  
17 district on June 29th, 2018.  
18 A. Okay.  
19 Q. How would the Council be informed that this even exists  
20 since the EIS is completed?  
21 A. That's outside of my understanding.  
22 Q. The EIS, as I understand it -- I believe it is page -- let  
23 me just get my EIS out. Section 3.5, page 3.304.  
24 A. Which exhibit number is this?  
25 Q. This is -- what is the EIS here, No. 2 or 1?

1 projects will actually be modified or to protect historic  
2 resources, right?  
3 A. I don't understand what you mean when you say "modified."  
4 Q. Okay. So the impact to them. So you have not identified  
5 anywhere within this EIS actual landmarked historic  
6 structures; is that correct?  
7 A. No.  
8 Q. Okay. And you said that Mr. Johnson didn't think it was  
9 necessary to put that in the EIS; is that correct?  
10 A. Yes, and I can explain why.  
11 Q. I am not asking for that. I'm asking -- I am ask- -- I'm  
12 just ask- -- please answer the question, okay? And are  
13 you -- and so there's no map of where these are?  
14 A. That's correct.  
15 Q. Okay. Now, when you do upzoning next to a historic  
16 resource, there are, as I understand it, and I assume what  
17 you wish to testify about, was that there are certain roles  
18 that go along with that. And -- and how can these historic  
19 resources -- let me just back off here. Well, let me go  
20 straight to landmarks. So did you say there was geospatial  
21 data for landmarked buildings -- Seattle landmark buildings?  
22 A. There is an interactive map on their website. You cannot  
23 download it, though.  
24 Q. Okay. But you -- it's part of this EIS. As I think you've  
25 already testified, nobody wanted a map in the first place?

1 MALE SPEAKER: Exhibit 2.  
2 Q. (By Ms. Bendich) Exhibit 2, section 3.5, and we're going to  
3 be referring to that as we go along, so keep it open there.  
4 A. Okay. Which page number?  
5 Q. 3.304.  
6 A. Okay.  
7 Q. Okay. So it does acknowledge that impacts to historic  
8 character can occur not only from demolition but from  
9 changes in scale; do you see that?  
10 A. Yes.  
11 Q. Does the EIS anywhere analyze the extent of that impact?  
12 A. Well, not specifically. It does talk about growth, but --  
13 growth, I assume, would involve changes in scale.  
14 Q. But there isn't any disclosure of the neighborhoods or  
15 particular blocks with historic character most at risk from  
16 those upzones, right?  
17 A. No.  
18 Q. And at page 3.305, very first line, I believe it states --  
19 or just to summarize, when assessing the impacts caused by  
20 development spurred by the upzones, the EIS distinguishes  
21 between projects subject to SEPA and those that are SEPA  
22 exempt, correct?  
23 A. Correct.  
24 Q. And as to projects that are SEPA, subject to SEPA, there's  
25 no discussion in the EIS about the extent to which those

1 A. The decision was not to map the landmarks.  
2 Q. But couldn't you have figured out by an overlay of the  
3 landmarks with a map of the areas that are projected to be  
4 upzoned at -- or in the expansion areas that are projected  
5 to be upzoned just how the height alone could impact  
6 landmark buildings?  
7 A. Theoretically you could do that.  
8 Q. Okay. And you testified, I believe -- well, you didn't do  
9 it because it would be protected under existing regulations,  
10 right?  
11 A. That's correct.  
12 Q. For landmarks, the preservation ordinance -- the landmark  
13 preservation ordinance is applied instead of SEPA; is that  
14 right?  
15 A. A landmark's ordinance applies to landmarks, yes.  
16 Q. Okay. And there's actually a negotiation with the owner  
17 about controls and incentives; is that right?  
18 A. That's correct.  
19 Q. And even if a property is designated as a landmark, the  
20 Landmarks Preservation Board can place no controls over that  
21 property except when that negotiation takes place; is that  
22 right?  
23 A. That is their right, yes.  
24 Q. And in that case, the owner or the developer can actually  
25 demolish the building, right?

1 A. No.  
 2 Q. I'd like to also draw your attention to the uptown draft  
 3 EIS, and this is Exhibit 3.5-7 and it's on page 3.187.  
 4 A. Okay.  
 5 Q. Okay. And there's an actual map there, right?  
 6 A. There's a map.  
 7 Q. And that, I assume, with the dotted outline, is the uptown  
 8 area that's being proposed to be rezoned?  
 9 A. The key says urban center boundary.  
 10 Q. Okay. And then there are little circles which identify  
 11 historic sites; is that right?  
 12 A. That's what the key says.  
 13 Q. And then there's two squares, one is orange and one is blue.  
 14 Could you read us the orange one, please?  
 15 A. Sure. It says, "Reach minimum age threshold for NRHP  
 16 eligibility" parentheses "50 years" comma, "pre-1967" close  
 17 parentheses.  
 18 Q. All right. And that's all shown on this map, right?  
 19 A. Yes.  
 20 Q. Okay. So it shows just by age alone, areas on this map that  
 21 could be impacted because they meet NH- -- NRHP eligibility,  
 22 right?  
 23 A. They meet the minimum age threshold.  
 24 Q. And then what's the blue one say?  
 25 A. "Meets minimum age threshold for SCL eligibility"

1 MS. NEWMAN: We should clarify, it's just the historic  
 2 resource draft, correct?  
 3 MS. BENDICH: Yes.  
 4 HEARING EXAMINER: It's an excerpt.  
 5 MS. BENDICH: Yes, it's an excerpt. It's not the whole  
 6 one.  
 7 Q. (By Ms. Bendich) I believe that Mr. Bricklin was asking you  
 8 about a draft, chapter 3.5, that was dated May 5th, 2017; do  
 9 you recall that?  
 10 A. Yes.  
 11 MR. KISIELIUS: Ms. Bendich, do you mind providing an  
 12 exhibit number for (inaudible)?  
 13 MS. BENDICH: It's Hearing Examiner 238.  
 14 MR. KISIELIUS: Okay.  
 15 MS. BENDICH: Oh, in your -- this was SCALE Exhibit 86.  
 16 MR. KISIELIUS: Thank you.  
 17 Q. (By Ms. Bendich) So turn -- and these pages here, I'm going  
 18 to use the City numbering system because -- just because we  
 19 can clearly see that. On page 34827, if we could turn to  
 20 that --  
 21 A. Yes.  
 22 Q. -- and I believe you've identified RW meaning Richard  
 23 Wineman?  
 24 A. Yes.  
 25 Q. And have you ever met Mr. Wineman?

1 parentheses, "25 years" comma, "Pre-1992" close parentheses.  
 2 Q. So a decision maker looking at this -- and let me back up.  
 3 So these are not already listed historic resources, right?  
 4 A. No.  
 5 Q. These are not resources -- historic resources that have even  
 6 been determined to be eligible the way that you've defined  
 7 eligible; is that right?  
 8 A. No.  
 9 Q. This is based solely on age, correct?  
 10 A. Yes.  
 11 Q. Yet this EIS singles out all those areas to let the decision  
 12 maker know that these might have some kind of potential just  
 13 due to age; is that correct?  
 14 A. Yes.  
 15 Q. Okay. But you didn't do that in your EIS, right?  
 16 A. I did not.  
 17 Q. So the decision makers would have no idea where the older --  
 18 the older properties would be located by block?  
 19 A. No.  
 20 MS. BENDICH: I believe we've already had an -- oh, first  
 21 of all, I'd like to admit the uptown draft EIS, which was  
 22 Exhibit 261.  
 23 MR. KISIELIUS: No objection.  
 24 HEARING EXAMINER: 261 is admitted.  
 25 (Exhibit No. 261 is admitted.)

1 A. No.  
 2 Q. Okay. So they're just comments here. So could you read  
 3 comment 3?  
 4 A. "I think this metric is useful but incomplete. Certainly  
 5 higher growth rates indicate more development activity and  
 6 is an indicator of risk of potential impacts from demolition  
 7 and redevelopment. I don't think you can say definitively  
 8 that such impacts are significant, however, since they are  
 9 indirect and uncertain.  
 10 "And this metric implies that the other impacts  
 11 discussed in the section are categorically not significant,  
 12 which is dubious, but this is a gross and indefinite  
 13 indicator in any event and probably more suitable for  
 14 unknown/unsurveyed buildings. The locations of surveyed  
 15 historic buildings, on the other hand, are known and could  
 16 be compared to the parcels being rezoned. Rezoning would  
 17 seem to be a stronger indicator of likelihood of demo or  
 18 redevelopment and a better measure of a significant impact.  
 19 "Should also point out that the action alternatives,  
 20 build, and additional margin of growth above comp plan  
 21 estimates as a safety factor, so there is a prob--- there  
 22 is probably a compounding effect which affects this  
 23 50 percent number as well."  
 24 Q. Okay. So Mr. Wineman stated the location of surveyed  
 25 historic buildings are known and could be compared to

1 because I think that sometimes in the comprehensive plan it  
2 refers to single-family zoning as well as and separately,  
3 meaning what's there already.  
4 HEARING EXAMINER: So it --  
5 MS. BENDICH: And so what's there already are these  
6 single-family homes that are within -- and they want to  
7 maintain that character.  
8 HEARING EXAMINER: But hasn't the witness already  
9 indicated that she didn't go into the comprehensive plan?  
10 MS. BENDICH: That is true; she did.  
11 HEARING EXAMINER: So do we need to go through each  
12 section that she may not have gone through when the  
13 comprehensive plan is already an exhibit?  
14 MS. BENDICH: No, I guess we don't. I just do want to --  
15 HEARING EXAMINER: You can do that in closing. You can  
16 present -- I mean, the EIS speaks for itself. If they're  
17 not in there, they're not in there.  
18 MS. BENDICH: It is true.  
19 HEARING EXAMINER: Mining a witness who's already  
20 indicated that, no --  
21 MS. BENDICH: Let's just nail that down.  
22 **Q. (By Ms. Bendich) Is there anything in the section 3.5 that**  
23 **identifies any of the neighborhood plans and the specifics**  
24 **with respect to historic resources within those neighborhood**  
25 **plans?**

1 **that's been determined already and what's eligible. Here**  
2 **it's described as eligible. Is it my understanding that**  
3 **these are actually already listed and not just eligible? Or**  
4 **help me understand that.**  
5 A. Sure. The key is -- for the blue dots is NRHP determined  
6 eligible. So it's the properties that have been recommended  
7 eligible and then a decision maker at DAHP, the Department  
8 of Archaeology and Historic Preservation, has concurred, and  
9 it's put in this classification as a determined eligible.  
10 So it's not the same as listed, but it is in a particular  
11 class for consideration.  
12 **Q. Okay. And why were only the NRHP historic properties**  
13 **identified?**  
14 A. The decision was made to not map the City's historic  
15 inventory properties in the historic sites database and to  
16 not map landmarks so -- and to not map listed properties.  
17 So that was the decision that was made based on the  
18 potential impacts of the project and the quality of the  
19 data.  
20 **Q. And I understand for each of those -- and correct me if I'm**  
21 **wrong -- but for each of those, there may be different**  
22 **reasons why they were not listed?**  
23 A. Right.  
24 **Q. If I understand correctly, the database has potentially**  
25 **incomplete information in it.**

1 A. No.  
2 **Q. All right.**  
3 MS. BENDICH: I will end there, then.  
4 HEARING EXAMINER: Thank you. Do you want to take a few  
5 minutes? Well, actually, I've got a few questions. Why  
6 don't we take a break for lunch.  
7 MR. KISIELIUS: My -- I just -- over the course of the  
8 last several hours of cross, I have (inaudible) redirect.  
9 HEARING EXAMINER: Certainly. Right. Let's break for  
10 lunch. We'll come back at 1:45.  
11 (Lunch recess)  
12 HEARING EXAMINER: Return to Ms. Wilson. The Hearing  
13 Examiner will ask his questions first so Counsel for the  
14 City has benefit of those in the record already when they  
15 get to redirect.  
16  
17 **QUESTIONS BY THE HEARING EXAMINER**  
18 **Q. Ms. Wilson, when you go to the EIS, there are two exhibits**  
19 **in the historic resources section. On 3.300 and**  
20 **(inaudible) .301, exhibits (inaudible) 5-2 and -3.**  
21 A. Yes.  
22 **Q. And I understand that you, the City, has shown on these the**  
23 **locations of NRHP termed eligible properties.**  
24 A. Yes.  
25 **Q. And we have had discussion about the line between something**

1 A. The City's, yes.  
2 **Q. Mm-hmm. And so the decision to not list or identify those**  
3 **properties was based on -- on that?**  
4 A. Incomplete data and -- and the content of the data is  
5 inconsistent.  
6 **Q. Right. Is that the case with the City's list of landmarks?**  
7 A. The landmarks are all landmarked, so, no, those are all  
8 equivalent.  
9 **Q. So that they were not listed because of incomplete data?**  
10 A. No, they were not listed because of the potential impacts to  
11 them, that there would -- that landmarks have a protection  
12 process so that they wouldn't be impacted under this  
13 proposal. There's an existing process for those, so the  
14 decision was made not to map them because of the project  
15 being proposed.  
16 **Q. Okay. And are any of these NRHE -- NRHP properties**  
17 **landmarks?**  
18 A. I don't know off the top of my head. They could be, but I  
19 don't know, sorry.  
20 **Q. Okay. So wouldn't it be possible that some of these would**  
21 **have those same protections?**  
22 A. It's possible. I don't -- I'm sorry, I can't speak  
23 specifically to each one.  
24 **Q. Mm-hmm. Was it cost prohibitive to include landmarks? Was**  
25 **that an issue that came up at all?**

1 A. Cost is always a concern.  
 2 Q. Mm-hmm.  
 3 A. That data is not downloadable in the same way that this data  
 4 is, so that was part of the discussion, but it was more  
 5 based upon what the potential impact to those could be.  
 6 Q. Are the NHRP properties protected in some way?  
 7 A. They are protected under federal undertakings, and SEPA's  
 8 also asked to consider those as well.  
 9 Q. Specifically NHRP?  
 10 A. Yeah, mm-hmm.  
 11 Q. But not the city landmarks?  
 12 A. SEPA does also ask to look at city landmarks as well, yes.  
 13 Is that your question?  
 14 Q. Yes.  
 15 A. Yes.  
 16 Q. So I'm just trying to understand the line that was drawn  
 17 between if NHRP properties would be protected and landmarks  
 18 would be protected and SEPA calls for NHRP analysis and SEPA  
 19 calls for landmarks analysis how the landmarks got excluded.  
 20 A. Because there's already an existing local process for if --  
 21 if changes are proposed at a landmark, the Landmarks Board  
 22 would review those changes. So we didn't consider there to  
 23 be strong or potential for impacts to those under the  
 24 proposal.  
 25 Q. So the code would protect possibly propose- -- projects

1 that would dictate what potential changes would or would not  
 2 need approval from the Landmarks Board. So it -- they are  
 3 covered under this process, so it -- it includes that  
 4 protection.  
 5 Q. So that would include properties beyond just the actual  
 6 landmark site property and adjacent property. That would  
 7 also include projects in the vicinity that are not either of  
 8 those types of properties?  
 9 A. I -- I don't think that's correct.  
 10 Q. Okay.  
 11 A. Yeah.  
 12 Q. So if -- on 3.305, the City identified potential impacts to  
 13 designated landmarks there in the third paragraph --  
 14 A. Yes.  
 15 Q. -- and the City is saying, Well, we don't -- we didn't cover  
 16 that here in the EIS because we think the code will protect  
 17 that, but it goes on to indicate that the setting is a  
 18 contributing element of the landmark eligibility.  
 19 A. It can be, yes.  
 20 Q. Mm-hmm. And in those cases, does the code protect that  
 21 setting --  
 22 A. It --  
 23 Q. -- where it is more than the landmark property or the  
 24 adjacent property?  
 25 A. I'm not sure. I'm sorry. Can you ask it again? It's

1 where the landmark is the actual properties that's subject  
 2 to that proposal?  
 3 A. Yes.  
 4 Q. Does the code explicitly protect landmarks when they are not  
 5 the subject of the proposal, for example, an adjacent  
 6 property or a property in the vicinity?  
 7 A. If you have a property adjacent to a landmark and it's  
 8 proposed to be demolished and it's over 50 years old, then  
 9 it has to go through landmarks review --  
 10 Q. So it --  
 11 A. -- to protect potential impacts to the landmark, sorry.  
 12 Q. So if the property is adjacent to a landmark and it's going  
 13 to be demolished --  
 14 A. Yeah.  
 15 Q. -- then -- or 50 percent, then there is landmark review. So  
 16 for adjacent properties?  
 17 A. Yeah.  
 18 Q. Even though the landmarked property would not be demolished?  
 19 A. Right. It's to minimize impacts to the setting of the  
 20 landmark.  
 21 Q. And does the landmark code go beyond that to protecting  
 22 landmarks from potential development in the area?  
 23 A. Well, yes. Every landmark has its own specific controls and  
 24 incentives agreement that's negotiated between the City,  
 25 Department of Neighborhoods, and the property owner, and so

1 complicated. I'm sorry. Could you ask it again?  
 2 Q. I don't -- you probably know more about this than I do, but  
 3 what, for example, contributes to setting? Could it be a  
 4 property across the street?  
 5 A. So a setting -- yeah, it would be like -- it's in a park and  
 6 so you have, like, the vegetation contributes to, like, the  
 7 landscaping if it's a boulevard so an Olmsted-designed  
 8 boulevard, it would be the planting strips, so it's a  
 9 squishy term, setting.  
 10 Q. Mm-hmm.  
 11 A. But it is to try -- it gets at feel association, some terms  
 12 that are defined in the National Register criteria, they're  
 13 also defined in the landmarks criteria, too, for evaluating  
 14 historical significance.  
 15 Q. So if the setting of a landmark is a plaza, a boulevard, a  
 16 streetscape, something larger than --  
 17 A. Yes.  
 18 Q. -- something larger than the two properties' potential that  
 19 we know by your testimony are covered under the code --  
 20 A. Yes.  
 21 Q. -- adjacent properties or the immediate property that's  
 22 being redeveloped.  
 23 A. Yes.  
 24 Q. If there are properties in the vicinity within that setting  
 25 that are going to be demolished that are part of that

1 setting but they're not landmarks, does the code protect  
2 against any impact that might have on the setting?  
3 A. No, it -- the -- it would just -- it's just related to the  
4 property that's being impacted directly by the project. So  
5 there's no requirement -- if you're looking at a parcel here  
6 and you are considering a par- -- there's no requirement to  
7 look at a parcel two parcels away; it would just be adjacent  
8 to -- it would be that parcel or the adjacent parcels.  
9 Q. And adjacency is only for 50 percent or more demolition?  
10 A. 50 years or older.  
11 Q. 50 -- sorry.  
12 A. A building that's 50 years or older that's proposed to be  
13 demolished.  
14 Q. Oh. So if a building is 25 years or less and it's adjacent  
15 to a landmark, then there is no consideration of the  
16 landmark in that demolition?  
17 A. If it's -- well, no, if it's 25 years or less, then it  
18 wouldn't qualify. It wouldn't -- if it's 25 years, it might  
19 meet the age threshold for consideration as a landmark, but  
20 if it's --  
21 Q. Sorry.  
22 A. -- under --  
23 Q. Let me make sure that -- the landmark -- what I understand  
24 from your testimony is there is a landmark that already  
25 exists. I'm not questioning the age of the landmark.

1 against those properties being removed from the setting.  
2 A. The setting is not --  
3 Q. Is that correct?  
4 A. That's correct, yes.  
5 Q. Okay. Could that be an impact on the nature of the  
6 landmark? If you have a mausoleum and a park and there's  
7 some historic buildings around that that help that  
8 setting --  
9 A. Mm-hmm.  
10 Q. -- aren't they changing the setting if that -- if those  
11 buildings get demolished and they're not protected?  
12 A. Yes.  
13 Q. Okay. Then let's go back to the properties that are  
14 adjacent. I want to make sure that at least I understand  
15 that line.  
16 A. Mm-hmm.  
17 Q. It sounds like there is some level of black and white line  
18 of protection if the property adjacent is 50 years or  
19 older --  
20 A. Mm-hmm.  
21 Q. -- because it could be within these -- these lines of  
22 protection that the City's identified in its code. Help me  
23 understand how the code is applied less than 50. If it's a  
24 25-year-old structure, is there anything that triggers --  
25 and it's going to be demolished --

1 A. Mm-hmm.  
2 Q. But I understood from your testimony that if there is a  
3 proposal to demolish a structure adjacent to the landmark,  
4 that that calls into question -- it triggers the code  
5 protections for the landmark.  
6 A. If that adjacent property is 50 years or older.  
7 Q. Okay. So if that adjacent property is less than 50 years,  
8 there is no protection for the landmark for that property  
9 adjacent to be demolished. Is that --  
10 A. It has to be referred to the Landmarks Preservation Board,  
11 and then they do the initial review of the referral, which  
12 is a form; and if that landmark's preservation program staff  
13 think it might meet the criteria for a landmark, then it  
14 gets presented to the board for review.  
15 Q. So I'm trying to -- if the City's saying that these  
16 properties -- these landmarks are protected outright, that  
17 there isn't any potential for impact from the proposal on  
18 landmarks -- I'm trying to find out where the lines are and  
19 how that covers every potential impact on those landmarks.  
20 A. Mm-hmm.  
21 Q. And I'm not fully understanding how an adjacent -- if  
22 there's -- even in a case -- what I'm hearing from you is  
23 that it's possible a property across the street or with any  
24 two lots or even three lots or what have you that's part of  
25 the setting that there isn't necessarily a protection

1 A. Mm-hmm.  
2 Q. -- Is there anything that triggers under the code  
3 protection, or is there any -- does anybody have to do  
4 anything at that point in relation to the landmark if  
5 they're going to demolish an adjacent structure that's 25  
6 years old?  
7 A. I think -- well, impacts to the landmark would still get  
8 reviewed, but that particular thing is going to -- proposed  
9 for demolition, there's no requirement if it's under 50  
10 years old to refer it, but anyone in the City is always able  
11 to refer a property to the landmarks for review.  
12 Q. So it could trigger some type of review to see -- and in  
13 that review process, then, is that then analyzing that  
14 potential project for impacts to the landmark? Is that how  
15 that works or --  
16 A. I -- I don't know how to explain that part, I'm sorry. I --  
17 I would just be speculating because I haven't -- I don't  
18 have direct experience with that --  
19 Q. Okay.  
20 A. -- part of it.  
21 Q. Do you know what happens to those that are 50 years old or  
22 older?  
23 A. Yes.  
24 Q. What's the process for that?  
25 A. So if they're 50 years or older and they're being referred?

<p style="text-align: right;">Page 145</p> <p>1 So I've been involved on those projects.</p> <p>2 <b>Q. Okay.</b></p> <p>3 A. So there's a particular form, a referral form, it gets</p> <p>4 completed. Sometimes the developer completes it; sometimes</p> <p>5 I hire a consultant to do that. That gets submitted to</p> <p>6 landmark's board staff for review of completeness, and then</p> <p>7 if they need additional information they send it back. And</p> <p>8 then once it's deemed complete, they will present it to the</p> <p>9 board for the board's initial review; and if the board</p> <p>10 thinks that there may be a potential for it to be elig- --</p> <p>11 meet criteria as a landmark, then they will review it. And</p> <p>12 then there's -- the code dictates how that process goes.</p> <p>13 So they will -- there's particular further</p> <p>14 documentation. That documentation gets reviewed by the</p> <p>15 board. The board makes an initial decision about whether</p> <p>16 they want to designate or not. And then it goes another</p> <p>17 step down the review, and then they decide yes or no. And</p> <p>18 then it moves into the -- if they decide yes and they</p> <p>19 designate it, then it moves into the controls and incentives</p> <p>20 agreement process where they come up with an agreement</p> <p>21 that's specific to that landmark which sets out the</p> <p>22 parameters for what changes can and can't occur, and if they</p> <p>23 do occur how to mitigate them. So....</p> <p>24 <b>Q. Okay. But I understand from what you've said to me -- and</b></p> <p>25 <b>please correct me if I'm wrong; I want to make sure that I</b></p>	<p style="text-align: right;">Page 147</p> <p>1 <b>then, affect protection of the adjacent landmark?</b></p> <p>2 A. Well, it depends on what they --</p> <p>3 <b>Q. Is there -- have you seen them where there's a relation</b></p> <p>4 <b>between the two or -- if that's cited as an example of</b></p> <p>5 <b>protecting the existing landmarks from development</b></p> <p>6 <b>(inaudible).</b></p> <p>7 A. So --</p> <p>8 <b>Q. How -- explain to me how that might have worked in the past</b></p> <p>9 <b>or how --</b></p> <p>10 A. Right.</p> <p>11 <b>Q. -- (inaudible).</b></p> <p>12 A. So if you -- you have an existing landmark and now the</p> <p>13 property next to it has become landmarked, typically when</p> <p>14 things are landmarked -- not always -- but things that are</p> <p>15 preserved are things like the exterior, the facade. So if</p> <p>16 you're retaining the original scale and exterior of a</p> <p>17 building, then you're retaining the setting, basically, of</p> <p>18 the preexisting landmark. So that would be a beneficial</p> <p>19 thing for that preexisting landmark. Does that --</p> <p>20 <b>Q. Yes.</b></p> <p>21 A. -- explain?</p> <p>22 <b>Q. And that would not be -- let's take out the presence of a</b></p> <p>23 <b>landmark (audio cutting out) that project to be figured, or</b></p> <p>24 <b>is it the adjacency of the landmark plus the -- and the 50</b></p> <p>25 <b>years?</b></p>
<p style="text-align: right;">Page 146</p> <p>1 understand that process. I'm not as familiar with it as you</p> <p>2 are -- if a property adjacent to a landmark --</p> <p>3 A. Mm-hmm.</p> <p>4 <b>Q. -- is proposed for demolition, or is it 50 percent changes</b></p> <p>5 <b>or some -- did you say that or was it just the -- 50's just</b></p> <p>6 <b>the age?</b></p> <p>7 A. 50's just the age.</p> <p>8 <b>Q. Okay. So it's demolition or --</b></p> <p>9 A. Mm-hmm.</p> <p>10 <b>Q. Okay. Quick side question, if they're just going to change</b></p> <p>11 <b>the facade, they're not going to demolish it, does this</b></p> <p>12 <b>process get triggered?</b></p> <p>13 A. It's only if it's going to be demolished.</p> <p>14 <b>Q. Okay. So if they're going to demolish the structure and</b></p> <p>15 <b>it's 50 years or older, then move the -- has the -- it</b></p> <p>16 <b>automatically moves into the -- this process?</b></p> <p>17 A. According to code, it's supposed to, yes.</p> <p>18 <b>Q. It moves into this process and that allows for designation</b></p> <p>19 <b>of this adjacent property as a landmark?</b></p> <p>20 A. It triggers that process of review and evaluation, yes.</p> <p>21 <b>Q. Wherein which it could --</b></p> <p>22 A. Yeah.</p> <p>23 <b>Q. -- result in that?</b></p> <p>24 A. Could or could not, yes.</p> <p>25 <b>Q. All right. Let's say it results in that, how does that,</b></p>	<p style="text-align: right;">Page 148</p> <p>1 A. Definitely --</p> <p>2 <b>Q. (Inaudible) into that process?</b></p> <p>3 A. Definitely adjacency to a landmark plus 50 years and demo.</p> <p>4 <b>Q. Mm-hmm.</b></p> <p>5 A. Projects that are subject to SEPA that involve a property</p> <p>6 that's 50 years or older are supposed to be reviewed for</p> <p>7 landmarks' referral.</p> <p>8 <b>Q. Okay.</b></p> <p>9 A. Yeah.</p> <p>10 <b>Q. And, I'm sorry, this is from our last session, so I can't</b></p> <p>11 <b>give you a page, and if you don't know it, then we can move</b></p> <p>12 <b>on. But I remember there was an indication where the EIS</b></p> <p>13 <b>indicated there would be no direct impacts to historic or</b></p> <p>14 <b>cultural resources. Does that sound familiar?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. Did it discuss whether there would be indirect impacts?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. And where is that?</b></p> <p>19 A. Bear with me.</p> <p>20 <b>Q. Mm-hmm.</b></p> <p>21 A. Okay. Page 3.304, this is the first sentence. Do you want</p> <p>22 me to read it out loud?</p> <p>23 <b>Q. I can read it. Just a second. Thank you. Were you</b></p> <p>24 <b>involved at all with the environmental checklist for the</b></p> <p>25 <b>proposal? Or you were just doing the element, right. Okay.</b></p>

Because we had some questions about the supplemental sheet. I'm assuming you didn't.

A. I did not for this, no.

Q. Okay. You were presented Exhibit 261, the uptown urban center rezone, and in that, on its page 3.176 under the heading "Planning and Policy Context" --

A. Yes.

Q. -- this indicates -- and I'll read this because it will be easier for context for my question that, "Impacts to cultural resources are typically considered if there are buildings, structures, or sites that are on or near the project area over 45 years old and listed or eligible for listing in national, state, and local historic preservation registers. Applicable national, state, and local historic preservation registers reviewed for this project include the following:" They list the NRHP, the Washington Heritage Register and the barn register and the Seattle city landmarks.

What -- can you contrast this process for -- that is identified here with what was done for this EIS that's the subject of this hearing? What did you do that's the same?

A. Mm-hmm. Yeah.

Q. What did you do that was different, and why?

A. So we did -- we looked at the same registers. There's no -- well, I don't recall there being barns, anything on the

A. Yes.

HEARING EXAMINER: Okay. No more questions. Thank you.

MS. BENDICH: Mr. Hearing Examiner, I know it's time for Counsel for the City, but you raised some questions, and there were some answers that weren't raised before, and I'm wondering if I could do just a few of those on cross-examination to clarify what her answer was.

HEARING EXAMINER: Largely most of what I heard from Ms. Wilson was confirmation of what I've actually heard from cross by Mr. Bricklin and you. I don't know -- what is the new --

MS. BENDICH: Well.

HEARING EXAMINER: -- information that came up?

MS. BENDICH: Well, I believe she testified just now that anything that was on the NHRP, that the state, those dots on the exhibit and the EIS were protected if they had -- well, she just said, they were protected with -- let me just see what the exact words were. Federal funding, she -- where there's federal funding. And I just wanted to ask whether, in fact, all of those dots had federal funding associated with them.

HEARING EXAMINER: That's the only question you have?

MS. BENDICH: That's it.

HEARING EXAMINER: All right.

MS. BENDICH: Oh.

barns list, but I'm aware of that register.

Q. I'll bet they didn't have anything.

A. Yeah, not anymore. So we did -- and we did characterize the affected environment in terms of the national, state, and local preservation register properties. And so I -- I would say we did the same things. We -- our methodology, things we looked at were the same, so -- yeah. We didn't map them to the level that they appeared to be mapped.

Q. Right. So when they say you reviewed the project for the following, I've heard your earlier testimony to include all three of those; is that correct?

A. That's correct.

Q. And your review included eligible properties, but not as far as any depiction or listing of those in the EIS?

A. Well, we did -- we depicted the determined eligible ones, yes.

Q. Oh, sorry.

A. Yeah.

Q. I'm still getting caught in the same --

A. That's okay.

Q. -- eligible, not eligible --

A. Sure.

Q. -- though they've actually been identified of that. And I -- okay. So you had -- and so you -- and you read this as eligible, someone's already determined that?

# CROSS EXAMINATION

BY MS. BENDICH:

Q. So those -- and do you know which exhibit I'm talking about within the EIS?

A. I believe so.

Q. Okay. So it identifies the state -- the NHRP determined eligible property?

A. Yes.

Q. All right. Is every single one of those dots there protected under -- I think you mentioned section 1.06?

A. Section 106 of the National Historic Preservation Act. They're protected through that if there is a federal undertaking.

Q. Okay. Only if there's a federal undertaking?

HEARING EXAMINER: So, Ms. Bendich, you said your question was about funding?

MS. BENDICH: Yes.

HEARING EXAMINER: So would you please ask that question?

Q. (By Ms. Bendich) So in terms of the dots that are on the map, were all of those subject to federal funding?

A. I -- they're not only -- you don't -- you don't just trade them through federal funding, so not necessarily, no.

MS. BENDICH: Okay.

HEARING EXAMINER: Okay. We'll go to redirect.

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6 BEFORE THE HEARING EXAMINER  
7 FOR THE CITY OF SEATTLE

8 In the Matter of the Appeals of ) Hearing Examiner File:  
9 WALLINGFORD COMMUNITY ) **W-17-006 through**  
COUNCIL, ET AL. ) W-17-014  
10 Of Adequacy of FEIS Issued by the )  
11 Director, Office of Planning and )  
Community Development )  
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15 FRIENDS OF RAVENNA-COWEN

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<p style="text-align: right;">Page 137</p> <p>1 vernacular, more common resources, things that give a</p> <p>2 neighborhood character or streetscape, things like that.</p> <p>3 <b>Q. So were you here for Mr. Steinbrueck's testimony this</b></p> <p>4 <b>morning?</b></p> <p>5 A. For part of it, yes.</p> <p>6 <b>Q. And did you hear him testify about how different</b></p> <p>7 <b>neighborhoods in the city have different characteristics and</b></p> <p>8 <b>different histories and so forth?</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. Do you agree with that part of his testimony regarding the</b></p> <p>11 <b>different neighborhoods of the city and the way in which</b></p> <p>12 <b>they are -- the historic character in those neighborhoods?</b></p> <p>13 A. I do. Can I go back and finish why historic preservation</p> <p>14 matters?</p> <p>15 <b>Q. Yes.</b></p> <p>16 A. There's just a little more --</p> <p>17 <b>Q. Yeah. Sure. I'm sorry. I was hoping you might tie this</b></p> <p>18 <b>into that as well, but that's fine.</b></p> <p>19 A. So preservation also has an important sustainability goal.</p> <p>20 Again, sort of the greenest building is the one that's</p> <p>21 already built. Demolishing buildings just for the sake of</p> <p>22 demolishing them or scraping a site just to build something</p> <p>23 higher or newer, all that has to go somewhere. It goes into</p> <p>24 the landfill. So from an environmental standpoint, that's</p> <p>25 not really green. For a city that's supposed to be green,</p>	<p style="text-align: right;">Page 139</p> <p>1 Preservation, Preservation Green Lab, and it's called Older,</p> <p>2 Smaller, Better: Measuring how the character of buildings</p> <p>3 and blocks influences urban vitality. And it came out in</p> <p>4 May 2014.</p> <p>5 <b>Q. And what's the gist of this document?</b></p> <p>6 A. So the gist of this document is a -- the -- so the Green Lab</p> <p>7 exists -- they're actually based in Seattle. So the</p> <p>8 National Trust is based in Washington D.C. It's a private,</p> <p>9 nonprofit organization. The Green Lab kind of focuses their</p> <p>10 resources on research and a lot of data gathering. So to</p> <p>11 sort of basically back up a lot of what their assertions are</p> <p>12 or assumptions about why historic places matter. And they</p> <p>13 talk about block by block how older neighborhoods and older</p> <p>14 buildings, how they contribute to a city. And oftentimes in</p> <p>15 older neighborhoods you have more density, actually. And --</p> <p>16 and so -- so that's why it's sort of called this older,</p> <p>17 smaller -- smaller, better.</p> <p>18 I think because a lot of times people just assume, oh,</p> <p>19 it's a small building, it -- it doesn't -- you know, it</p> <p>20 doesn't contribute as much as maybe some high-style</p> <p>21 architectural, you know, monument or something. So this --</p> <p>22 this recognizes why these places sort of help with vitality</p> <p>23 of a neighborhood or a streetscape or a city, and it talks</p> <p>24 about creative, thriving economies and how these contribute</p> <p>25 a lot of maybe artists, or sort of more creative types, as</p>
<p style="text-align: right;">Page 138</p> <p>1 that's not very green. So sustainability is important.</p> <p>2 Buildings don't just exist. They -- they obviously</p> <p>3 house people and activities and businesses and -- and</p> <p>4 oftentimes older buildings provide affordability housing and</p> <p>5 what's called naturally-occurring affordable housing. The</p> <p>6 rents are generally lower. And the same thing with</p> <p>7 businesses. They -- smaller independent businesses</p> <p>8 generally tend to go into older historic buildings. Again,</p> <p>9 the rents are generally less.</p> <p>10 And so you have that sort of connection with the old</p> <p>11 and with the new, and so that kind of makes up a</p> <p>12 neighborhood. So -- and so it's sort of this part of what</p> <p>13 makes a place tick.</p> <p>14 <b>Q. Okay. Let me hand you --</b></p> <p>15 MR. BRICKLIN: That was our 91.</p> <p>16 HEARING EXAMINER: Excuse me?</p> <p>17 MR. BRICKLIN: 91.</p> <p>18 HEARING EXAMINER: Marked as 10.</p> <p>19 (Exhibit No. 10 marked for identification.)</p> <p>20 <b>Q. (By Mr. Bricklin) Handing you an exhibit that's been marked</b></p> <p>21 <b>for identification as Exhibit 10. Do you recognize this</b></p> <p>22 <b>document?</b></p> <p>23 A. I do.</p> <p>24 <b>Q. And what is it?</b></p> <p>25 A. It is a document produced by the National Trust for Historic</p>	<p style="text-align: right;">Page 140</p> <p>1 you will, sort of go into these buildings. They talk about</p> <p>2 the value of mixed-use districts and -- and having housing</p> <p>3 and commercial uses in an area -- in a neighborhood.</p> <p>4 <b>Q. You mentioned that this report was prepared by the National</b></p> <p>5 <b>Trust for Historic Preservation located -- headquartered in</b></p> <p>6 <b>D.C. Is National Trust the preeminent historic preservation</b></p> <p>7 <b>organization -- nonprofit in the country?</b></p> <p>8 A. It is. Yes, it is.</p> <p>9 <b>Q. And looking at page 1 of the text, I see it had an executive</b></p> <p>10 <b>summary. The first couple sentences there say, "All across</b></p> <p>11 <b>America, blocks of older, smaller buildings are quietly</b></p> <p>12 <b>contributing to robust local economies and distinctive</b></p> <p>13 <b>liveable communities. Buildings of diverse version vintage</b></p> <p>14 <b>and small scale provide flexible affordable space for</b></p> <p>15 <b>entrepreneurs launching new businesses and serve as</b></p> <p>16 <b>attractive settings for new restaurants, et cetera. They</b></p> <p>17 <b>offer diverse housing choices that attract younger residents</b></p> <p>18 <b>and create human scale places for walking, shopping, and</b></p> <p>19 <b>social interaction." They're speaking there nationally.</b></p> <p>20 <b>Would you say that those concepts apply here in Seattle?</b></p> <p>21 A. I would say that, yeah.</p> <p>22 <b>Q. Okay. Can you give examples of neighborhoods in the city</b></p> <p>23 <b>that have those kinds of features?</b></p> <p>24 A. Sure. I think Ballard, like, the Ballard Avenue Landmark</p> <p>25 District is a really great example. Columbia City, Columbia</p>