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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of the:

**QUEEN ANNE COMMUNITY
COUNCIL**

of the Final Environmental Impact
Statement for the Citywide Implementation
of ADU-FEIS.

Hearing Examiner File W-18-009

SEATTLE CITY COUNCIL’S
PRELIMINARY WITNESS AND
EXHIBIT LIST

Respondent Seattle City Council (the “City”) submits the following preliminary lists of witnesses and exhibits. The City is the Respondent in this matter and will be presenting witnesses testimony and documentary evidence in response to Appellant’s case-in-chief. Accordingly, the witnesses and exhibits identified in this list are based solely on the City’s limited understanding of the Appellant’s allegations to-date. As such, the City has not made a final determination as to the witnesses it may call or the exhibits it may present at hearing. The City reserves the right to amend, refine, or expand its list as Appellant develops its claims and following submittal of Appellant’s preliminary and final lists and the completion of discovery.

I. WITNESSES

The City’s preliminary witness list is set for below. If, for any reason, any of the listed witnesses becomes unavailable for hearing, the City reserves the right to substitute with another witness with similar qualifications, expertise, or familiarity with the issue on review. Additionally, the City reserves the right to call rebuttal fact and/or expert witnesses who are not listed below and to call as a witness any of the witnesses listed by

1 the Appellant. Any of the potential witnesses identified may be contacted through the
2 City's counsel.

3 This preliminary list of witnesses is extensive because of the limited information
4 the City has about the Appellant's case-in-chief. It is likely that the City will not call one
5 or more witnesses listed based upon what the City eventually learns from the Appellant's
6 preliminary and final witness and exhibit lists, from ongoing discovery, and from
7 Appellant's presentation of its case-in-chief at hearing. Accordingly, the City reserves the
8 right to add or delete any witnesses at the time it submits its final witness list or as
9 otherwise authorized by the Hearing Examiner.

10 Additionally, because the City is a respondent in this matter, the scope and
11 duration of each of its witnesses' testimony will be responsive to the Appellant's claims in
12 its case-in-chief. At this stage in the proceeding, Appellant has not adequately disclosed
13 its intentions to allow the City to meaningfully estimate the duration and scope of the
14 testimony of each of its witnesses. The City intends to present its case within the confines
15 of the time limits set by the Examiner. However, the extent to which each City witness
16 will testify within that time limit, and the scope of each testifying witness's testimony,
17 cannot yet be determined.

18 1. **Aly Pennucci:** Ms. Pennucci is a Supervising Analyst with the Seattle City
19 Council Central Staff in land use, housing, and economic development. Ms. Pennucci was
20 the project lead on behalf of the Seattle City Council (the lead agency responsible for the
21 FEIS) reviewed all of its chapters, and worked with the various subject matter experts to
22 develop the FEIS. Ms. Pennucci may be called to provide fact testimony about the FEIS,
23 its development, its substantive conclusions, as well as the City's compliance with SEPA
24 and typical practices in developing non-project action EISs.

25

1 2. **Nick Welch:** Mr. Welch is a Senior Planner, Office of Planning and
2 Community Development (“OPCD”), at the City of Seattle. Mr. Welch was OPCD’s
3 project lead for the FEIS, reviewed all of its chapters, and worked with the various subject
4 matter experts to develop the FEIS. Mr. Welch may be called to provide fact testimony
5 about the FEIS, its development, its substantive conclusions, as well as the City’s
6 compliance with SEPA and typical practices in developing non-project action EISs.

7 3. **Adam Teepe:** Mr. Teepe is a Project Manager at HDR, which was the
8 lead EIS consultant responsible for developing the FEIS. Mr. Teepe was HDR’s project
9 lead for the FEIS and was a primary and contributing author for its various chapters. As
10 project lead for HDR, Mr. Teepe worked with the other consulting firms and subject
11 matter experts that were primary or contributing authors or provided research and analysis
12 for the EIS. Mr. Teepe may be called to provide fact testimony regarding the FEIS, its
13 development, its substantive conclusions, and compliance with SEPA. Mr. Teepe’s
14 resume is included in Attachment A.

15 4. **Rona Spellecacy:** Ms. Spellecacy is Senior Environmental Project
16 Manager with HDR, which was the lead EIS consultant responsible for developing the
17 FEIS. She was a contributing author and reviewed and provided input on the work of
18 other consulting firms and subject matter experts that were primary or contributing
19 authors or provided research and analysis for the EIS. Ms. Spellecacy may be called to
20 provide fact and expert testimony regarding the FEIS, its development and substantive
21 conclusions, compliance with SEPA, and comparison to industry practice and other EISs.
22 Ms. Spellecacy’s resume is included in Attachment B.

23 5. **Oliver Kuehne:** Mr. Kuehne is Senior Planner-Urban Designer at HDR.
24 Mr. Kuehne contributed to the development of the aesthetics and land use impact analysis
25 in the FEIS, including but not limited to preparing graphic representations of the proposal

1 that were utilized in the analysis. Mr. Kuehne may be called to provide fact and expert
2 testimony regarding these aspects of the FEIS, their development and substantive
3 conclusions, compliance with SEPA, and comparison to industry practice and other EISs.
4 Mr. Kuehne's resume is included in Attachment C.

5 6. **Amalia Leighton Cody:** Ms. Leighton Cody is an engineer and planner
6 with Toole Design Group and its Seattle Office Director. Ms. Leighton Cody directed the
7 work for the analysis in the FEIS of the potential impacts on transportation, parking, and
8 public services and utilities. She may be called to provide fact and expert testimony
9 regarding these aspects of the FEIS, their development and substantive conclusions,
10 compliance with SEPA, and comparison to industry practice and other EISs. Ms.
11 Leighton Cody's resume is included in Attachment D.

12 7. **Morgan Shook:** Mr. Shook is Project Director and Partner with
13 ECONorthwest. Mr. Shook was a contributing author of and directed the work for the
14 analysis in the FEIS of potential impacts on housing and socioeconomics. He may be
15 called to provide fact and expert testimony regarding these aspects of the FEIS, their
16 development and substantive conclusions, compliance with SEPA, and comparison to
17 industry practice and other EISs. Mr. Shook's resume is included in Attachment E.

18 8. **Adam Domanski:** Dr. Domanski is Project Director with ECONorthwest.
19 Dr. Domanski was a contributing author of and directed the work for the analysis in the
20 FEIS of potential impacts on housing and socioeconomics. He may be called to provide
21 fact and expert testimony regarding these aspects of the FEIS, their development and
22 substantive conclusions, compliance with SEPA, and comparison to industry practice and
23 other EISs. Dr. Domanski's resume is included in Attachment F.

24 9. **John Shaw:** Mr. Shaw is a Senior Transportation Planner with the City of
25 Seattle's Department of Construction and Inspections. Mr. Shaw reviewed the work of

1 consulting firms and subject matter experts and contributed to the analysis in the FEIS of
2 transportation and parking impacts and other matters. He may be called to provide fact
3 testimony regarding these aspects of the FEIS, their development and substantive
4 conclusions, compliance with SEPA, and comparison to other environmental review
5 conducted by the City.

6 10. **Mary Catherine Snyder:** Ms. Snyder is a Parking Strategic Advisor with
7 the City of Seattle’s Department of Transportation. Ms. Snyder reviewed the work of
8 consulting firms and subject matter experts and contributed to the analysis in the FEIS of
9 transportation and parking impacts and other matters. She may be called to provide fact
10 testimony regarding these aspects of the FEIS, their development and substantive
11 conclusions, compliance with SEPA, and comparison to other environmental review
12 conducted by the City

13 11. **Gordon Clowers:** Mr. Clowers is a Senior Urban Planner with the City of
14 Seattle’s Department of Construction and Inspections. Mr. Clowers reviewed the work of
15 consulting firms and subject matter experts and contributed to the analysis in the FEIS of
16 transportation and parking impacts, land use and aesthetics, housing and socioeconomics
17 and other matters. He may be called to provide fact testimony regarding these aspects of
18 the FEIS, their development and substantive conclusions, compliance with SEPA, and
19 comparison to other environmental review conducted by the City.

20 12. **Kevin Burrell and/or Ben Marré:** Mr. Burrell is Strategic Advisor with
21 Seattle Public Utilities. Mr. Marré is Division Director, Drainage and Wastewater
22 Planning and Program Management with Seattle Public Utilities. Both reviewed the work
23 of consulting firms and subject matter experts and contributed to the analysis in the FEIS
24 of potential impacts to public services and utilities. Both may be called to provide fact
25 testimony regarding these aspects of the FEIS, their development and substantive

1 conclusions, compliance with SEPA, and comparison to other environmental review
2 conducted by the City.

3 13. **Sarah Sodd:** Ms. Sodd is the City Historic Preservation Officer at the City
4 of Seattle. Ms. Sodd reviewed the work of consulting firms, subject matter experts, and
5 EIS authors related to the analysis in the FEIS of potential impacts to historic resources.
6 She may be called to provide fact testimony regarding these aspects of the FEIS, their
7 development and substantive conclusions, compliance with SEPA, and comparison to
8 other environmental review conducted by the City.

9 II. EXHIBITS

10 The City has already filed its list of core exhibits on January 22, 2019. In addition
11 to the core exhibits, the City preliminarily designates the following list of exhibits. The
12 City reserves the right to submit a final list consistent with the case schedule that adds or
13 deletes any exhibits identified herein. Additionally, the City reserves the right to: (1) offer
14 any exhibit produced by any party in discovery; (2) offer any exhibit identified by another
15 party; (3) offer any rebuttal exhibits as allowed by the Hearing Examiner; and (4) offer
16 illustrative exhibits.

- 17 1. Ordinance No. 123141, November 4, 2009;
- 18 2. Resolution No. 31547, October 13, 2014;
- 19 3. Resolution No. 31546, September 23, 2014;
- 20 4. Seattle Department of Planning and Development, Removing Barriers to
21 Backyard Cottages, October 2015;
- 22 5. Seattle Civil Rights Project, Catherine Silva, University of Washington,
23 2009;
- 24 6. Data selected from U.S. Census Bureau, Survey of Income and Program
25 Participation, 2014 Panel, Wave 1, 2014;

- 1 7. Data selected from U.S. Census Bureau, American Community Survey, 5-
2 Year Estimates, 2016;
- 3 8. Data from the U.S. Census, ACS 5-year Estimates, 2012–2016;
- 4 9. WA State Office of Financial Management, Population of Cities, Towns
5 and Counties, April 1, 2017;
- 6 10. Report and accompanying data from Dupre + Scott Apartment Advisors,
7 2017;
- 8 11. King County Assessments Data Download, 2018;
- 9 12. Puget Sound Regional Council, Regional Macroeconomic Forecast, 2015;
- 10 13. Accessory Dwelling Unit Survey for Portland, Eugene, and Ashland,
11 Oregon, Final Methodology and Data Report, September 2013;
- 12 14. City of Seattle, Backyard Cottages Annual Report, December, 2014;
- 13 15. Seattle Tree Canopy Assessment, 2016;
- 14 16. Parks and Open Space Plan, August 7, 2017;
- 15 17. ISS Survey, 1st Report 2018, Accessory Dwelling Units in Portland,
16 Oregon (Gebhardt, M., Gilden, B., and Kidron, Y), June 2018;
- 17 18. Horn, T., D. Elliott, & A. Johnson, Accessory Dwelling Unit Survey for
18 Portland, Eugene, and Ashland, Oregon, 2013;
- 19 19. Tip 117: Parking Waiver for Accessory Dwelling Units, Seattle
20 Department of Construction and Inspections, May 12, 2011;
- 21 20. City of Seattle Bicycle Master Plan, Seattle Department of Transportation,
22 April 2014;
- 23 21. Columbia City Parking Management Program: Parking Demand Surveys,
24 November 29, 2016;
- 25 22. City of Seattle Transit Master Plan, Adopted 2012, Amended 2016;

- 1 23. City of Seattle Pedestrian Master Plan, June 2017;
- 2 24. West Seattle Area Access Study, 2017;
- 3 25. Appraisal Institute, The Appraisal of Real Estate, 14th Edition, 2013;
- 4 26. “How much will your permit cost?”, City of Seattle Fee Estimate, 2018;
- 5 27. King County Sewer Treatment Capacity Charge, 2018;
- 6 28. King County Assessor, 2018.
- 7 29. Puget Sound Regional Council, Regional Macroeconomic Forecast, 2015;
- 8 30. ADU in Portland, Oregon: evaluation and interpretation of a survey of
9 ADU owners, Department of Environmental Quality, Oregon, June 1, 2014;
- 10 31. Seattle Department of Construction and Inspections, 117: Parking Waivers
11 for Accessory Dwelling Units, 2011;
- 12 32. Seattle Department of Transportation (SDOT), Columbia City Parking
13 Management Program: Parking Demand Surveys, 2016;
- 14 33. West Seattle Area Access Study;
- 15 34. Any remaining data sets used in the creation of any analysis in the DEIS
16 and FEIS; and
- 17 35. Resumes of City’s Expert Witnesses.

18 DATED this 31st day of January, 2019.

19 VAN NESS FELDMAN LLP
20 /s/ Tadas Kisielius
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22 Dale Johnson, WSBA No. 26629
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Hearing Examiner File W-18-009

CERTIFICATE OF SERVICE

I, Amanda Kleiss, declare as follows:

That I am over the age of 18 years, not a party to this action, and competent to be a witness herein;

That I, as paralegal in the office of Van Ness Feldman, caused true and correct copies of the following documents to be delivered as set forth below:

- 1. City of Seattle’s Preliminary Witness and Exhibit List;
- 2. Certificate of Service;

and that on January 31, 2019, I addressed said documents and deposited them for delivery as follows:

SEATTLE HEARING EXAMINER
Barbara Dykes Ehrlichman
Hearing Examiner
700 Fifth Avenue, Suite 4000
Seattle, WA 98104

By Web Portal

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Eustislaw@comcast.net

By Email

I certify under penalty of perjury under the laws of the State of Washington that
the foregoing is true and correct.

EXECUTED at Seattle, Washington on this 31st day of January, 2019.

/s/ Amanda C. Kleiss
Declarant