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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 FINAL
WITNESS AND EXHIBIT LISTS

Respondent Seattle City Council (the “City”) submits the following final lists of witnesses and exhibits. The City is the Respondent in this matter and will be presenting documentary evidence and witness testimony in response to Appellant’s case-in-chief. As explained below, the Appellant has not yet completely identified all witnesses it intends to call in its case-in-chief or identified with particularity all of the documents upon which it intends to rely. Accordingly, the City reserves the right to object to witnesses or exhibits that the Appellant subsequently identifies that Appellant has not specifically included in its final lists. In the alternative, the City reserves the right to call witnesses and present exhibits beyond those included in these final lists to respond to Appellant’s subsequently identified witnesses and exhibits.

I. WITNESSES

In the list below, the City sets forth the witnesses it may need to call to testify in response to Appellant’s case. The list reflects the City’s limited understanding of Appellant’s claims based on Appellant’s witness and exhibit lists and from information obtained through discovery. The City’s understanding of Appellant’s case is limited

1 because Appellant has not identified all its intended witnesses with particularity. While
2 Appellant has specifically identified three witnesses, Appellant has indicated to the City
3 its intention to call City witnesses as part of Appellant’s case in chief, but has not
4 identified those City witnesses with specificity. Additionally, the Appellant has explained
5 its intention of producing additional un-named exhibits, the selection of which is still
6 “ongoing.” See Appellant’s Final Witness and Exhibit List at 3. Any additional
7 Appellant exhibits could prompt additional responsive City testimony.

8 In the list below, the City identifies those witnesses it intends to call. Additionally
9 the City names witnesses that it reserves the right to call because of their expertise and
10 knowledge to relevant issues in this case, but whose testimony may not be necessary,
11 depending on the scope of Appellant’s testimony. It is very likely that the City will not
12 call one or more witnesses listed based upon the Appellant’s presentation of its case-in-
13 chief at hearing. The City intends to present its case within the confines of the time limits
14 set by the Examiner. The City estimates the duration of each witness’s testimony, to the
15 best extent possible. These estimates are for planning purposes. The City reserves the
16 right to re-allocate its hearing time among witnesses.

17 If, for any reason, any of the listed witnesses becomes unavailable for hearing, the
18 City reserves the right to substitute with another witness with similar qualifications,
19 expertise, or familiarity with the issue on review. Additionally, the City reserves the right
20 to call rebuttal fact and/or expert witnesses who are not listed below, as allowed by the
21 Examiner, and to call as a witness any of the witnesses listed by the Appellant. Any of the
22 potential witnesses identified may be contacted through the City’s counsel.

23 1. **Aly Pennucci:** Ms. Pennucci is a Supervising Analyst with the Seattle City
24 Council Central Staff in land use, housing, and economic development. Ms. Pennucci was
25 the project lead on behalf of the Seattle City Council (the lead agency responsible for the

1 FEIS) reviewed all of its chapters, and worked with the various subject matter experts to
2 develop the FEIS. Ms. Pennucci may be called to provide fact testimony about the FEIS,
3 its development, its substantive conclusions, as well as the City’s compliance with SEPA
4 and typical practices in developing non-project action EISs. Based on the limited
5 information provided by the Appellant, the City estimates that Ms. Pennucci’s direct
6 testimony could take approximately 1 ½ hours.

7 2. **Nick Welch:** Mr. Welch is a Senior Planner, Office of Planning and
8 Community Development (“OPCD”), at the City of Seattle. Mr. Welch was OPCD’s
9 project lead for the FEIS, reviewed all of its chapters, and worked with the various subject
10 matter experts to develop the FEIS. Mr. Welch may be called to provide fact testimony
11 about the FEIS, its development, its substantive conclusions, as well as the City’s
12 compliance with SEPA and typical practices in developing non-project action EISs.
13 Based on the limited information provided by the Appellant, the City estimates that Mr.
14 Welch’s direct testimony could take approximately 1 ½ hours.

15 3. **Mary Catherine Snyder:** Ms. Snyder is a Parking Strategic Advisor with
16 the City of Seattle’s Department of Transportation. Ms. Snyder reviewed the work of
17 consulting firms and subject matter experts and contributed to the analysis in the FEIS of
18 transportation and parking impacts and other matters. She may be called to provide fact
19 testimony regarding these aspects of the FEIS, their development and substantive
20 conclusions, compliance with SEPA, and comparison to other environmental review
21 conducted by the City. Based on the limited information provided by the Appellant, the
22 City estimates that Ms. Snyder’s direct testimony could take approximately 1 hour.

23 4. **Andy McKim and/or Faith Lumsden:** Mr. McKim is the Policy &
24 Technical Lead for the Land Use Code & Policy Group with the Seattle Department of
25 Construction and Inspections. Ms. Lumsden is the Code Compliance Director with SDCI.

1 Mr. McKim and/or Ms. Lumsden may be called to testify regarding the interpretation and
2 implementation of City codes, including ADU regulations and multifamily designations.
3 Mr. McKim and/or Ms. Lumsden may also testify in response to Appellant’s testimony
4 and claims regarding “condominimization” of ADUs. Based on the limited information
5 provided by the Appellant, the City estimates that Mr. McKim’s and/or Ms. Lumsden’s
6 direct testimony could take approximately ¾ hour.

7 5. **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. The statement of
14 Mr. Teepe’s qualifications was previously attached to the Preliminary Witness and Exhibit
15 List filed on January 31, 2019. Based on the limited information provided by the
16 Appellant, the City estimates that Mr. Teepe’s testimony could take approximately 1 hour.

17 6. **Oliver Kuehne:** Mr. Kuehne is Senior Planner-Urban Designer at HDR.
18 Mr. Kuehne contributed to the development of the aesthetics and land use impact analysis
19 in the FEIS, including but not limited to preparing graphic representations of the proposal
20 that were utilized in the analysis. Mr. Kuehne may be called to provide fact and expert
21 testimony regarding these aspects of the FEIS, their development and substantive
22 conclusions, compliance with SEPA, and comparison to industry practice and other EISs.
23 The statement of Mr. Kuehne’s qualifications was previously attached to the Preliminary
24 Witness and Exhibit List filed on January 31, 2019. Based on the limited information
25

1 provided by the Appellant, the City estimates that Mr. Kuehne’s direct testimony could
2 take approximately 1 hour.

3 7. **Amalia Leighton Cody:** Ms. Leighton Cody is an engineer and planner
4 with Toole Design Group and its Seattle Office Director. Ms. Leighton Cody directed the
5 work for the analysis in the FEIS of the potential impacts on transportation, parking, and
6 public services and utilities. She may be called to provide fact and expert testimony
7 regarding these aspects of the FEIS, their development and substantive conclusions,
8 compliance with SEPA, and comparison to industry practice and other EISs. The
9 statement of Ms. Leighton Cody’s qualifications was previously attached to the
10 Preliminary Witness and Exhibit List filed on January 31, 2019. Based on the limited
11 information provided by the Appellant, the City estimates that Ms. Leighton Cody’s direct
12 testimony could take approximately 1 hour.

13 8. **Morgan Shook:** Mr. Shook is Project Director and Partner with
14 ECONorthwest. Mr. Shook was a contributing author of and directed the work for the
15 analysis in the FEIS of potential impacts on housing and socioeconomics. He may be
16 called to provide fact and expert testimony regarding these aspects of the FEIS, their
17 development and substantive conclusions, compliance with SEPA, and comparison to
18 industry practice and other EISs. The statement of Mr. Shook’s qualifications was
19 previously attached to the Preliminary Witness and Exhibit List filed on January 31, 2019.
20 Based on the limited information provided by the Appellant, the City estimates that Mr.
21 Shook’s direct testimony could take approximately 1 ½ hours.

22 9. **Adam Domanski:** Dr. Domanski is Project Director with ECONorthwest.
23 Dr. Domanski was a contributing author of and directed the work for the analysis in the
24 FEIS of potential impacts on housing and socioeconomics. He may be called to provide
25 fact and expert testimony regarding these aspects of the FEIS, their development and

1 substantive conclusions, compliance with SEPA, and comparison to industry practice and
2 other EISs. The statement of Dr. Domanski's qualifications was previously attached to
3 the Preliminary Witness and Exhibit List filed on January 31, 2019. Based on the limited
4 information provided by the Appellant, the City estimates that Dr. Domanski's direct
5 testimony could take approximately ½ hour.

6 10. **Rona Spellecacy:** Ms. Spellecacy is Senior Environmental Project
7 Manager with HDR, which was the lead EIS consultant responsible for developing the
8 FEIS. She was a contributing author and reviewed and provided input on the work of
9 other consulting firms and subject matter experts that were primary or contributing
10 authors or provided research and analysis for the EIS. Ms. Spellecacy may be called to
11 provide fact and expert testimony regarding the FEIS, its development and substantive
12 conclusions, compliance with SEPA, and comparison to industry practice and other EISs.
13 The statement of Ms. Spellecacy's qualifications was previously attached to the
14 Preliminary Witness and Exhibit List filed on January 31, 2019. Based on the limited
15 information provided by the Appellant in its witness and exhibit list, the extent of Ms.
16 Spellecacy's testimony, if any, is unknown.

17 11. **John Shaw:** Mr. Shaw is a Senior Transportation Planner with the City of
18 Seattle's Department of Construction and Inspections. Mr. Shaw reviewed the work of
19 consulting firms and subject matter experts and contributed to the analysis in the FEIS of
20 transportation and parking impacts and other matters. He may be called to provide fact
21 testimony regarding these aspects of the FEIS, their development and substantive
22 conclusions, compliance with SEPA, and comparison to other environmental review
23 conducted by the City. Based on the limited information provided by the Appellant in its
24 witness and exhibit list, the extent of Mr. Shaw's testimony, if any, is unknown.

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1 12. **Gordon Clowers:** Mr. Clowers is a Senior Urban Planner with the City of
2 Seattle’s Department of Construction and Inspections. Mr. Clowers reviewed the work of
3 consulting firms and subject matter experts and contributed to the analysis in the FEIS of
4 transportation and parking impacts, land use and aesthetics, housing and socioeconomics
5 and other matters. He may be called to provide fact testimony regarding these aspects of
6 the FEIS, their development and substantive conclusions, compliance with SEPA, and
7 comparison to other environmental review conducted by the City. Based on the limited
8 information provided by the Appellant in its witness and exhibit list, the extent of Mr.
9 Clower’s testimony, if any, is unknown.

10 13. **Kevin Burrell and/or Ben Marré:** Mr. Burrell is Strategic Advisor with
11 Seattle Public Utilities. Mr. Marré is Division Director, Drainage and Wastewater
12 Planning and Program Management with Seattle Public Utilities. Both reviewed the work
13 of consulting firms and subject matter experts and contributed to the analysis in the FEIS
14 of potential impacts to public services and utilities. Both may be called to provide fact
15 testimony regarding these aspects of the FEIS, their development and substantive
16 conclusions, compliance with SEPA, and comparison to other environmental review
17 conducted by the City. Based on the limited information provided by the Appellant in its
18 witness and exhibit list, the extent of Mr. Burrell’s or Mr. Marré’s testimony, if any, is
19 unknown.

20 14. **Sarah Sodt:** Ms. Sodt is the City Historic Preservation Officer at the City
21 of Seattle. Ms. Sodt reviewed the work of consulting firms, subject matter experts, and
22 EIS authors related to the analysis in the FEIS of potential impacts to historic resources.
23 She may be called to provide fact testimony regarding these aspects of the FEIS, their
24 development and substantive conclusions, compliance with SEPA, and comparison to
25 other environmental review conducted by the City. Based on the limited information

1 provided by the Appellant in its witness and exhibit list, the extent of Ms. Sodt's
2 testimony, if any, is unknown.

3 II. EXHIBITS

4 The City has already filed its list of core exhibits on January 22, 2019. In addition
5 to the core exhibits, the City designates additional City exhibits, below. For ease of
6 reference and to simplify the numbering of City exhibits, in its list, below, the City
7 combines the Core Documents with its additional exhibits.

8 The City reserves the right to add or delete any exhibits identified herein.
9 Additionally, the City reserves the right to: (1) offer any exhibit produced by any party in
10 discovery; (2) offer any exhibit identified by another party; (3) offer any rebuttal exhibits
11 as allowed by the Hearing Examiner; and (4) offer illustrative exhibits. Finally, the
12 Appellant has explained its intention of producing additional un-named exhibits, the
13 selection of which is still "ongoing." See Appellant's Final Witness and Exhibit List at 3.
14 Accordingly, the City reserves its right to object to any additional Appellant exhibits that
15 were not provided or identified with specificity. Alternatively, the City reserves the right
16 to present responsive exhibits that are not otherwise included in the list, below.

17	<u>Ex #</u>	<u>Description</u>
18	1	FEIS & Appendices, Oct. 4, 2018
19	2	DEIS & Appendices, May 10, 2018
20	3	EIS Determination of Significance & Scoping Notice, Oct. 2017
21	4	EIS Scoping Report, Jan. 8, 2018
22	5	HE Findings & Decision W-16-004, Dec. 13, 2016
23	6	Seattle 2035: FEIS, Comprehensive Plan Update, May 5, 2016
24	7	Seattle 2035: DEIS, Comprehensive Plan Update, May 4, 2015
25	8	Seattle 2035: Comprehensive Plan 2016
	9	Seattle 2035: Comprehensive Plan 2017
	10	Ordinance No. 123141
	11	Resolution No. 31547
	12	Resolution No. 31546

- 1 **13** Seattle DPD, Removing Barriers to Backyard Cottages, Oct. 2015
2 **14** Catherine Silva, Seattle Civil Rights Project
3 **15** Unsubsidized Housing Monitoring Report
4 **16** DEQ, ADU Survey for Oregon, Final Methodology & Data Report, Horn, Sept. 2013
5 **17** City of Seattle, Backyard Cottages Annual Report, Dec. 2014
6 **18** 2016 Seattle Tree Canopy Assessment Report
7 **19** Parks and Open Space Plan, Seattle Parks & Rec., Aug. 7, 2017
8 **20** Tip 117: Parking Waiver for ADU, SDCI, May 12, 2011
9 **21** City of Seattle Bicycle Master Plan, SDOT, April 2014
10 **22** Memo, Columbia City Parking Management Program, Parking Demand Surveys, Nov.
11 29, 2016
12 **23** SDOT, Transit Master Plan, Final Summary Report, Amended 2016
13 **24** SDOT, Pedestrian Master Plan, June 2017
14 **25** “How Much Will Your Permit Cost?” City of Seattle Fee Estimator 2018
15 **26** King County Sewer Treatment Capacity Charge
16 **27** DEQ, ADU in Portland, OR-Evaluation & Interpretation of a Survey of ADU Owners,
17 June 1, 2014
18 **28** Seattle 2035: Growth & Equity, Analyzing Impacts on Displacement and Opportunity
19 Related to Seattle’s Growth Strategy, May 2016
20 **29** HB 1797 (statewide ADU bill from Rep Mia Gregerson - current leg. session)
21 **30** ADU Racial Equity Toolkit (RET), Councilmember O'Brien
22 **31** Resume: Adam Domanski, ECONorthwest
23 **32** Resume: Morgan Shook, ECONorthwest
24 **33** Resume: Amalia Leighton Cody, Toole Design
25 **34** Resume: Adam Teepe, HDR
26 **35** Resume: Oliver Kuehne, HDR
27 **36** Resume: Rona Spelleccacy, HDR
28 **37** West Seattle Area Access Studies, Fact Sheet
29 **38** West Seattle Neighborhood Intercept Study, October 2017
30 **39** Memorandum: West Seattle Junction Neighborhood Parking, Off-Street Parking
31 Occupancy Study, Dec. 7, 2017
32 **40** West Seattle Junction Load Zones, March 3, 2018
33 **41** West Seattle Junction, Restricted Parking Zone Survey Results, Oct. 2018
34 **42** Documents prepared to respond to information obtained during depositions conducted
35 on February 14 and February 15, 2019.¹

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¹ The City conducted depositions of the Appellant’s expert witnesses on February 14 and 15, 2019. In light of the short time between completion of the depositions and the deadline for filing this exhibit list, the City is still evaluating the need to prepare any exhibits that respond to information obtained through those depositions. The City will disclose to the Appellant any documents that are prepared to respond to those recently conducted depositions at the earliest possible point.

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DATED this 19th day of February, 2019.

VAN NESS FELDMAN LLP

/s/ Tadas Kisielius
Tadas A. Kisielius, WSBA No. 28734
Dale Johnson, WSBA No. 26629
Clara Park, WSBA No. 52255

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cpark@vnf.com; ack@vnf.com

Attorneys for Seattle City Council

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BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of the:

**QUEEN ANNE COMMUNITY
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of the Final Environmental Impact
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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 LLP, caused true and correct copies of the following documents to be delivered as set forth below:

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

and that on February 19, 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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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 19th day of February, 2019.

/s/ Amanda C. Kleiss
Declarant