

BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of:	)	Hearing Examiner File:
	)	MUP-19-004 – MUP-19-105
GRANT PROTECTION FOR TREES,	)	
SHARON LEVINE, et al.,	)	SHARON LEVINE’S WITNESS AND
	)	EXHIBIT LIST
From a decision issued by the Director,	)	
Seattle Department of Construction and	)	
Inspections.	)	
	)	

Under the Hearing Examiner’s April 4, 2019 Prehearing Order, Appellant Sharon LeVine hereby submits the following list of witnesses and exhibits for the hearing in this matter:

**I. WITNESSES**

Sharon LeVine may call the following witnesses to testify at the hearing in this matter on the general subjects described.

1. Sharon LeVine. Ms. LeVine is a 30-year owner and resident of 2819 4<sup>th</sup> Avenue West, which is adjacent to the subject project site, to the north. Ms. LeVine is a retired educator and sales/marketing professional. She is a long-time participant in the Queen Anne Community Council’s Land Use Review Committee and has been a member of the Board of the Queen Anne Community Council for about 25 years. Ms. LeVine participated in the public process to create the Queen Anne design guidelines, has been an active member of the Queen Anne Community Council’s Parks

1 Committee for over 20 years and has been active in the Queen Anne Community Council's  
2 Transportation Committee for many years. Ms. LeVine may testify to the significant adverse impacts  
3 to her property and the surrounding neighborhood likely to occur from the proposed development, the  
4 flaws in the SEPA process for the proposed development, the significance of the adverse impacts of the  
5 project's non-compliance with various local and state laws, requirements and guidelines for the  
6 protection of the environment under WAC 197-11-330(3)(e), the City's abuse of discretion in making  
7 its Determination of Non-Significance, probable adverse impacts that should have been mitigated but  
8 were not, cumulative adverse environmental impacts from similar developments in the neighborhood  
9 and throughout the city, and any other topic addressed or incorporated in her Notice of Appeal. Ms.  
10 LeVine's testimony may last 2 hours.

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14 2. Alan Haywood. Alan Haywood has been a certified arborist for over 20 years and has a  
15 horticulture degree from Washington State University. For thirty years he worked for the city of  
16 Issaquah, during which he worked for the Department of Parks and Recreation. In that capacity he  
17 reviewed landscaping plans for the City's Development Services department, which included reviews  
18 of tree preservation during construction, reviewing plans, and inspecting construction sites, among  
19 other duties. He also developed tree retention plans for city-owned trees threatened by construction  
20 projects. Mr. Haywood has previously testified at hearings as a qualified expert on tree-related matters.  
21 Mr. Haywood's additional qualifications are summarized in his resume, which appears on Ms.  
22 LeVine's exhibit list and is being served on all parties. Mr. Haywood may testify as both a fact and  
23 expert witness. He may testify to the conditions on Ms. LeVine's property and on the project site, as  
24 well as other natural conditions in the immediate vicinity. He may also testify to matters related to the  
25 probable adverse environmental impacts that would stem from the development as proposed, including  
26 but not limited to impacts to plants, trees, soils and habitat on Ms. LeVine's property and in the  
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1 vicinity, adverse impacts from removing the Exceptional tree, measures that could be taken to preserve  
2 and protect the Exceptional tree to accommodate a development of a similar scope and scale as the one  
3 proposed, the value of the trees and plants on both Ms. LeVine's property and the project site, the  
4 inadequacy of the project proposal to replace the lost canopy with proposed replacement plants, the  
5 impacts from root disturbance and an increase in impervious surfaces, cumulative adverse  
6 environmental impacts stemming from the project proposal, the iTree tool developed by the USDA  
7 Forest Service to quantify the benefits of local trees for neighborhoods and communities and any other  
8 topics addressed in Mr. Haywood's declaration, filed in support of Ms. LeVine's response to the  
9 Applicant's motion to dismiss. Mr. Haywood's testimony may last 2 hours.

12 3. Shannon Standish. Shannon Standish is a design professional with the architecture firm  
13 Twist Design, Inc. and she holds an architecture degree from Virginia Tech University. In her capacity  
14 as a design professional, Ms. Standish handles the whole gamut of architectural services for residential  
15 and commercial projects, including small scale, large scale, residential, big box stores, small retail and  
16 other types of projects. Those services include initial feasibility analysis, assistance with design  
17 through all stages of permitting, as well as involvement at the construction stage. Through this work  
18 she has become fluent in Floor Area Ratio (FAR) calculations and has become familiar with the Seattle  
19 Municipal Code relating to the Land Use Code and Seattle's Building Code. Additional qualifications  
20 of Ms. Standish are found on her resume, which is included on Ms. LeVine's exhibit list and is being  
21 served on all parties. Ms. Standish may testify as a fact witness and an expert witness. Ms. Standish  
22 may testify to the project's non-compliance with various local and state laws/requirements for the  
23 protection of the environment under WAC 197-11-330(3)(e) by failing to consider designs for the  
24 project that would achieve the same number of units, FAR and square footage, be in compliance with  
25 the Seattle Municipal Code, and retain the Exceptional tree on the project site, as well as other  
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1 significant trees and plants that would likely be destroyed on Ms. LeVine's property if the project goes  
2 forward as proposed. Ms. Standish may also testify to her process for preparing design drawings for  
3 alternative designs for the subject property. Ms. Standish may also testify to any other subject  
4 addressed in her declaration, filed in support of Ms. LeVine's response to the Applicant's motion to  
5 dismiss. Ms. Standish's testimony may last 2 hours.

7 4. David Moehring. David Moehring is a licensed architect in the state of Illinois. He is a  
8 Senior Capital Planner at the University of Washington. Mr. Moehring may testify as a fact or expert  
9 witness. Mr. Moehring may testify about the flaws in the design review process, SEPA review and  
10 code interpretations for the project proposal to the extent they relate to local and state laws or  
11 requirements for the protection of the environment under WAC 197-11-330(3)(e). He may testify to  
12 the existing environment, the probable significant adverse impacts that will be caused by the project  
13 proposal, mitigation that should have been considered and the inadequacies of SDCI's considerations  
14 before issuing the Determination of Non-Significance for the project proposal. Mr. Moehring's  
15 testimony may last 1 hour.

17 5. Curtis Bigelow. Curtis Bigelow is the architect for the project proponent. Mr. Bigelow  
18 may testify to design alternatives considered by the Applicant for the project site, the process that led to  
19 the design selected for the project site, the feasibility of alternative designs for the project site, and the  
20 probable adverse environmental impacts caused by the project proposal and alternative designs. Mr.  
21 Bigelow's testimony may last 1 hour.

22 6. Art Pederson. Art Pederson is an SDCI arborist who was involved in the SEPA review  
23 for the project proposal. Mr. Pederson may testify to the probable adverse impacts, including  
24 cumulative impacts, caused by the project proposal and those like it, including removal of trees,  
25 replacement canopy, and ecological values. Mr. Pederson may also testify to the tree-related factors  
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1 considered (or not considered) by SDCI in issuing the DNS for the project proposal, mitigation  
2 measures considered, and his recommendations for the project site. Mr. Pederson's testimony may last  
3 1 hour.

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5 7. Allison Whitworth. Allison Whitworth is an SDCI planner who was involved with the  
6 Streamlined Design Review, SEPA checklist review, and DNS issuance for the project proposal. Ms.  
7 Whitworth may testify to the factors considered in issuing the DNS, recommendations she or other  
8 SDCI officials made for the project site, the probable adverse environmental impacts caused by the  
9 project and mitigation considered or required. Ms. Whitworth's testimony may last 2 hours.

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11 8. Devin Peterson. Devin Peterson is a landscape planner with Root of Design. Mr.  
12 Peterson may testify to the probable significant adverse environmental impacts caused by the project  
13 proposal. He may also testify to whether SDCI recommendations were incorporated. Mr. Peterson's  
14 testimony may last 1 hour.

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16 9. Tony Shoffner. Tony Shoffner is the arborist for the Applicant. Mr. Shoffner may  
17 testify to the probable significant adverse environmental impacts caused by the project proposal, work  
18 he conducted for the Applicant for the project site, recommendations he made for the project site, and  
19 mitigation he would recommend for the project site. Mr. Shoffner may also testify to work he has done  
20 for similar developments in the past. Mr. Shoffner's testimony may last 1.5 hours.

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22 10. Denise Derr. Denise Derr is a long time resident of Queen Anne and has been active in  
23 community and Seattle city affairs. These include activity in Queen Anne Community Council  
24 committees, community sports organizations, PTAs and she has served on the Advisory Council for the  
25 Queen Anne Co-Op. Ms. Derr has a J.D. degree. For 26 years, Ms. Derr and her family have lived in  
26 their home on 4<sup>th</sup> Ave W., one block north of the project site. From her house, Ms. Derr admires the  
27 beauty, size and benefits of the Exceptional Tulip tree on the project site, which towers over all the  
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1 buildings on the block to the south. Ms. Derr is able to see and experience the impacts of new  
2 developments and tree loss in the Queen Anne neighborhood. Ms. Derr's residence is also a short  
3 distance from the most recent landslide that occurred with in the 2900 block of 4<sup>th</sup> Ave W (1 block  
4 north of the project site). Ms. Derr can see and hear water from the underground streams that run  
5 below her hillside and can experience the aboveground stream at the foot of the hill. She also has a  
6 view of the extensive retaining wall that her neighbor had to build because of earth slippage on the hill.  
7 Ms. Derr may testify to these facts, other neighborhood characteristics, lack of enforcement of Seattle's  
8 tree protection ordinance, impacts of new development and cumulative impacts of tree loss on  
9 livability, financial investments, and pertinent issues such as life quality. Ms. Derr may testify to the  
10 effects stemming from the fragility of topography in the area and impacts of increased density on the  
11 surrounding community. Ms. Derr's testimony may last 1 hour.  
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15 11. Suzanne Grant. Suzanne Grant lives at 2723 4<sup>th</sup> Ave W, is a neighbor of Ms. LeVine  
16 and the project site and an appellant in this matter. Ms. Grant may testify to the probable significant  
17 adverse environmental impacts caused by the project proposal. Ms. Grant's testimony may last 1 hour.  
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19 12. Reed Lyons. Reed Lyons lives at 2822 4<sup>th</sup> Ave W, is a neighbor of Ms. LeVine and the  
20 project site and an appellant in this matter. Mr. Lyons may testify to the probable significant adverse  
21 environmental impacts caused by the project proposal. Mr. Lyon's testimony may last 1 hour.  
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23 13. Charles Mish. Charles Mish lives at 320 W. Armour St., is a neighbor of Ms. LeVine  
24 and the project site and an appellant in this matter. Mr. Mish may testify to the probable significant  
25 adverse environmental impacts caused by the project proposal. Mr. Mish's testimony may last 1 hour.  
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27 14. Clarissa Mish. Clarissa Mish lives at 320 W. Armour St., is a neighbor of Ms. LeVine  
28 and the project site and an appellant in this matter. Ms. Mish may testify to the probable significant  
29 adverse environmental impacts caused by the project proposal. Ms. Mish's testimony may last 1 hour.  
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1 15. Ivy Arai Tabarra. Ivy Arai Tabarra lives at 2807 4<sup>th</sup> Ave W., is a neighbor of Ms.  
2 LeVine and the project site and an appellant in this matter. Ms. Tabarra may testify to the probable  
3 significant adverse environmental impacts caused by the project proposal. Ms. Tabarra's testimony  
4 may last 1 hour.  
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6 16. Any other witness on any other party's witness lists.

7 **II. EXHIBIT LIST**

- 8 1. Photos of Project Site, LeVine Property and Vicinity.  
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10 2. Photos of space between Project Site and LeVine property and related photos.  
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12 3. Photos of Exceptional tree on Project Site and LeVine emails regarding the same.  
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14 4. LeVine emails with responses to Applicant issues.  
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16 5. Photos of drains and stream below Project Site where water drains year round, and of  
17 designated wetland at foot of hill.  
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19 6. Historic watercourse maps.  
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21 7. LeVine emails describing problems with SEPA checklist.  
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23 8. Photos and emails regarding cumulative impacts of tree removal.  
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25 9. Photos regarding cumulative impacts of tree removal (cemetery maintenance facility).  
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27 10. Photos regarding cumulative impacts of tree removal (W Barret Street, SPU)  
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29 11. LeVine email regarding flawed SDCI process.  
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12. Site and parcel maps and LeVine emails.  
13. Project site plan.  
14. Emails regarding public health and toxics.  
15. LeVine email incorporating project documents.  
16. SMC Code Language.

17. Crosscut Article – Saving Seattle’s last ‘exceptional’ trees means getting to know them.
18. Seattle Time Article.
19. Webpage – The Last 6,000
20. Insagram – The Last 6,000
21. King 5 Article.
22. Seattle Times Article – Seattle Sketcher.
23. Alan Haywood Resume.
24. Alan Haywood Arborist Report
25. Shannon Standish Resume.
26. Shannon Standish architectural drawings.
27. Shannon Standish Code Analysis.
28. SDCI GIS Map with Wetlands.
29. Applicant Architectural Concept Drawing.
30. Photos of Alley.
31. Project Site – Before and After.
32. Project DNS.
33. Project SDR.
34. PanGeo Report.
35. SDCI Approval for Relief from Prohibition on Steep Slope Development.
36. Annotated SEPA Checklist.
37. Shoffner Arborist Report.
38. Site Plans.
39. Project Proposal Packet.

1 40. Any exhibits listed on any party's exhibit lists or presented at the hearing.  
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5 Respectfully submitted this 9th day of July, 2019

6 SMITH & LOWNEY, PLLC

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CERTIFICATE OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on this date, I sent true and correct copies of the foregoing and copies of each listed exhibit to each person listed below by E-Mail.

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SHARON LEVINE EXHIBIT AND WITNESS  
LISTS - 10  
MUP-19-004 – MUP-19-015

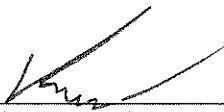
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10 Dated: July 9, 2019

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SHARON LEVINE EXHIBIT AND WITNESS  
LISTS - 11  
MUP-19-004 – MUP-19-015

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