

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:

GRANT PROTECTION FOR TREES, ET AL.,

from a decision issued by the Director,
Department of Construction and Inspections.

Hearing Examiner File:
MUP-19-004 through MUP-19-015

Department Reference:
3029801-LU & 3030630-LU

APPLICANT'S AND OWNER'S
WITNESS AND EXHIBIT LIST

COMES NOW the applicant, Curtis Bigelow, and property owner, 2813 4th Ave W LLC, who intend to call the following witnesses and introduce the following exhibits, but reserve the right to not call one or more of these witnesses and not introduce one or more of these exhibits as the applicant and owner determine to be appropriate at the hearing.

I. WITNESSES

1. Alex Mason. Mr. Mason is the principal of 2813 4th Ave W LLC, the owner of the property located at 2813 and 2815 4th Avenue West. He is expected to testify regarding the facts of this case and the proposed development of the property, including the development's potential environmental impacts and mitigation of those impacts. Mr. Mason is expected to testify for approximately 15 minutes.

APPLICANT'S AND OWNER'S
WITNESS AND EXHIBIT LIST - 1

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1 2. Curtis Bigelow. Mr. Bigelow is the architect and applicant for permit
2 numbers 3029801-LU and 3030630-LU. He received his Architecture Degree from
3 Washington State University in 1995, has been a licensed architect since 2001, and is
4 presently the principal of Scale Design NW. He is expected to testify regarding the facts of
5 this case and the proposed development of the property, including the development's
6 potential environmental impacts and mitigation of those impacts. Mr. Bigelow is expected
7 to testify for approximately 45 minutes.

8 3. Tony Shoffner. Mr. Shoffner the principal of Shoffner Consulting and is an
9 ISA Certified Arborist #PN-0909A. He is expected to testify regarding the facts of this case,
10 the arborist report he drafted, trees located on and near the property and the development's
11 potential environmental impacts and mitigation of those impacts. Mr. Shoffner is expected
12 to testify for approximately 45 minutes.

13 4. H. Michael Xue, P.E. Mr. Xue is a Senior Geotechnical Engineer with
14 PanGeo Incorporated. He is a licensed engineer who received a Master's degree in
15 Geotechnical and Geoenvironmental Engineering from SUNY at Buffalo. He is expected to
16 testify regarding the facts of this case, the Geotechnical Engineering Report he drafted, and
17 the geotechnical and other issues concerning the proposed development, including the
18 development's potential environmental impacts and mitigation of those impacts. Mr. Xue is
19 expected to testify for approximately 60 minutes.

20 5. Devin Peterson. Ms. Peterson is a Landscape Architect and principal of Root
21 of Design, LLC. She received her B.S. in Landscape Architecture from the University of
22 Washington and has worked on hundreds of similar developments in the City of Seattle.
23 She is expected to testify regarding the current landscaping and vegetation at the property,
24 the proposed landscaping and revegetation for the proposed development, and the
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1 development's potential environmental impacts and mitigation of those impacts. Ms.
2 Peterson is expected to testify for approximately 30 minutes.

3 6. Bruce Rips. Mr. Rips is a Land Use Team Supervisor with SDCI. He is
4 expected to testify regarding the facts of this case, SDCI's Decision and Determination of
5 Non-Significance and the proposed development, including the development's potential
6 environmental impacts and mitigation of those impacts. Mr. Rips is expected to testify for
7 approximately 60 minutes.

8 7. Bill Mills. Mr. Mills is a Strategic Advisor and Land Use Planner Supervisor
9 at SDCI. He is expected to testify about the facts of this case, Ms. Tabbara's land use code
10 interpretation request, Land Use Code Interpretation No. 19-002 that he drafted and the
11 proposed development, including the development's potential environmental impacts and
12 mitigation of those impacts. Mr. Mills is expected to testify for approximately 60 minutes.

13 8. Art Pederson. Mr. Pederson is an arborist and permit reviewer with SDCI.
14 He is expected to testify about the facts of this case, trees located on and near the property
15 and the development's potential environmental impacts and mitigation of those impacts.
16 Mr. Pederson is expected to testify for approximately 30 minutes.

17 9. Dean Griswold. Mr. Griswold is the Geotechnical Reviewer at SDCI. He is
18 expected to testify regarding the facts of this case, the Geotechnical Engineering Report
19 drafted by Mr. Xue, and the geotechnical and other issues concerning the proposed
20 development, including the development's potential environmental impacts and mitigation
21 of those impacts. Mr. Xue is expected to testify for approximately 60 minutes.

22 10. Scott Pawling. Mr. Pawling is the ECA Reviewer who issued the Approved
23 Relief from Prohibition on Steep Slope Development under permit number 6632697-EX. He
24 is expected to testify regarding the ECA exemption and other geotechnical issues and
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1 environmental impacts related to the proposed development and mitigation of those impacts.
2 Mr. Pawling is expected to testify for approximately 30 minutes.

3 **II. EXHIBITS**

- 4 1. Director's Decision dated December 18, 2017.
- 5 2. SDR Design Proposal.
- 6 3. SDR Guidance.
- 7 4. SEPA Checklist.
- 8 5. Annotated SEPA Checklist.
- 9 6. Arborist report.
- 10 7. Tree survey.
- 11 8. PanGeo Geotechnical Engineering Report.
- 12 9. Approved Request for Relief from Prohibition on Steep Slope Development.
- 13 10. Landslide distance map.
- 14 11. Wetland area map.
- 15 12. Peterson email exchange with SDOT.
- 16 13. SDOT Approved Street Tree List.
- 17 14. Landscaping plan.
- 18 15. Green Factor Tree List.
- 19 16. Public comments that were submitted to and considered by SDCI.
- 20 17. Preliminary Assessment Report.
- 21 18. Plan set for MUP 3029801.
- 22 19. Plan set for MUP 3030630.
- 23 20. Water Availability Certificate
- 24 21. Each and every document listed by appellants in their list of exhibits.
- 25 22. Each and every document listed by SDCI in its list of exhibits.

23. All documents publicly available at
<https://cosaccela.seattle.gov/portal/welcome.aspx> for project numbers 3029801-LU &
3030630-LU.

III. RESERVATION OF RIGHTS

By identifying a particular witness or exhibit, 2813 4th Ave W LLC does not concede and, specifically reserves the right to object, that the same or similar witnesses and exhibits are not relevant to the remaining appeal issues and should not be considered by the Hearing Examiner or admitted into evidence. 2813 4th Ave W LLC also reserves the right to present additional witnesses and exhibits and to elicit additional testimony from the witnesses listed herein to rebut, impeach and respond to testimony and exhibits presented by other parties in this matter.

2813 4th Ave W LLC further reserves the right to introduce any exhibit listed as an exhibit by another party in this matter, to introduce illustrative exhibits and to utilize copies of Code and other provisions of law. Withdrawal of a listed witness or exhibit listed by another party will not preclude 2813 4th Ave W LLC from calling that witness or utilizing that exhibit.

Respectfully submitted this 16th day of July, 2018.

HELSELL FETTERMAN LLP

By: s/ Brandon S. Gribben

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 16, 2019 the foregoing document was sent for delivery on the following party in the manner indicated:

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