

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In re.

**SEATTLE WATERFRONT LID  
ASSESSMENT HEARING**

Hearing Examiner File:  
CWF-0001 - CWF-0441

**AMENDED ORDER ON  
HEARING SCHEDULE  
AND CROSS  
EXAMINATION**

**Order on Hearing Schedule**

On April 13, 2020, the Hearing Examiner issued an order regarding the hearing schedule for these consolidated matters. That order included the following:

Due to the complications faced by certain objectors identified in item 4 above, and because the number of objectors seeking to participate in cross-examination will likely make a remote hearing unfeasible under the circumstances, the portion of the hearing dedicated to City presentation of its case, and the opportunity for cross examination should be continued to a date after the governor's stay at home order has been lifted.

The governor's stay at home order is currently set to expire on May 4, 2020. Therefore, the portion of the hearing dedicated to City presentation of its case, and the opportunity for cross examination is hereby **CONTINUED** to May 18 and 19 for City case presentation, and May 20 and 21 for cross examination of the City appraiser. The Examiner reserves the right to identify more time if necessary, but has no plans to do so currently.

In the event the governor's stay at home order is extended to a later date, this portion of the hearing will be extended accordingly.

The governor's stay-at-home order remains in effect. We are in the process of a Phased reopening (<https://www.governor.wa.gov/news-media/chart-washingtons-phased-approach>). Phase 1 initiated on May 5. Phase 2 is estimated to begin May 26 and will allow gatherings of five (5) or less unrelated individuals. Phase 3 is estimated to begin June 16 and will allow gatherings of less than 50 unrelated individuals. The Hearing Examiner estimates that there will be more than five (5) but less than 50 participants during the cross-examination portion of the hearing. Therefore, the City presentation and cross-examination are continued to the following new dates:

City presentation of case in chief: June 18 and 19.

Cross-examination of City appraiser: June 23 and 25, with June 26 reserved if additional time is necessary.

In the event the governor's stay at home order is extended to a later date, or if issues arise with scheduling an appropriate venue, this portion of the hearing (or perhaps just the cross-examination portion) will be extended accordingly.

### **Participation in Cross Examination**

In April, the Office of Hearing Examiner requested that objectors identify if they would be seeking to participate in cross-examination of the City's appraiser. Many objectors responded. The following is a list of objectors indicating an interest in participating in cross-examination, and the Hearing Examiner's determination with regard to whether they will be allowed to participate:

CWF-0009 – No – Introduced a single-paragraph statement as an objection with no accompanying evidence. Did not appear to provide testimony and additional evidence.

CWF-0022 – Yes

CWF-0057 – Yes – Included property appraisal in materials and testimony regarding special assessment.

CWF-0063 – Yes – Only introduced list of issues (10 general issues - none address special assessment for objector); with attachments; appeared at hearing 2/11 (testimony directed at business or personal "investment" analysis, discussed general issues; addressed lack of special benefit as opposed to general benefit; and, suggested alternative funding mechanisms - also included Comparative Market Analysis challenging special assessment).

CWF-0076 – No – Only introduced list of issues (13 general issues - none address special assessment for objector); with attachments; and, appeared at hearing 2/25 (testimony directed at 13 general issues - none address special assessment for subject property).

CWF-0077 – No – Only introduced list of issues (10 general issues - none address special assessment for objector; and, two (2) issues that raise questions about special assessment for subject property, but introduce no evidence indicating inaccuracy/inadequacy of special assessment); Resolve Letter; and, letter to Marshall Foster.

CWF-0089 – No – Objection listed several generalized concerns unsupported by evidence. Similarly, testimony at hearing was directed at generalized concerns, and did not include analysis attempting to show error with special assessment for subject property.

CWF-0094 – No – Only introduced list of issues (13 general issues - none address special assessment for objector's property); Resolve Letter, AG Letter, and Third Amended Complaint; appeared at hearing 2/12 - testimony at hearing was directed at generalized concerns, and did not include analysis attempting to show error with special assessment for subject property.

CWF-0097 – No – Only introduced list of issues (general issues - none address special assessment for objector's property). Similarly, testimony at hearing was directed at generalized concerns, and did not include analysis attempting to show error with special assessment for subject property.

CWF-0118 – No – Only introduced list of issues (mostly general issues - that do not address special assessment for objector's property). One issue raised Zillow values of property, but did not include analysis specific to subject property attempting to show error with special assessment for subject property.

CWF-0121 – No – Objection did not include analysis specific to subject property attempting to show error with special assessment for subject property. Generalized statements about value of property, or past purchase price without supporting analysis documentation or analysis is inadequate.

CWF-0123 – No – Only introduced list of issues (10 general issues - none address special assessment for objector's property).

CWF-0133 – Yes.

CWF-0134 – Yes.

CWF-0135 – Yes.

CWF-0136 – Yes.

CWF-0168 – Yes.

CWF-0171 – Yes.

CWF-0186 – No – Only introduced brief one-page objection with no evidence addressing special assessment for subject property.

CWF-0188 – Only introduced list of issues (6 general issues - none address special assessment for objector).

CWF-0195 – Yes – Introduced list of issues (11 general issues - none address special assessment for objector's property). However, the objector did include analysis attempting to show error with special assessment for subject property.

CWF-0201 – No – Only introduced list of issues (13 general issues - none address special assessment for objector - none provides supporting evidence).

CWF-0204 – Yes - Introduced list of issues (9 issues – most specifically address special assessment for objector's property), with some limited supporting evidence.

CWF-0206 – Yes – but participation in cross-examination is limited. Objector only introduced single page objection with succinct comparison based objection, cross-examination is allowed only as to issue raised in objection.

CWF-0208 – Yes – Included letter from appraiser (Gibbons) concerning City appraisal, specifically addressing subject property.

CWF-0216 – No – While the objection filed raises questions concerning the special benefit as it applies to the subject property, it does not introduce any specific evidence to challenge the City's appraisal or methodology.

CWF-0218 – Yes

CWF-0219 – Yes

CWF-0220 – Yes

CWF-0223 – No – Objection listed several generalized concerns unsupported by evidence. No appearance at hearing later.

CWF-0227 – Yes – Included comparables evidence and argument with materials.

CWF-0233, 0318, 0409-0441 – Yes

CWF-0234 – No – Only introduced list of issues (12 general issues - none address special assessment for objector).

CWF-0235 – No – Only introduced list of issues (12 general issues - none address special assessment for objector).

CWF-0236 – No – Only introduced list of issues (general issues - none address special assessment for objector's property. Failed to appear at 2/13 hearing no explanation in advance, or after (except reference to family emergency; no communication until response to request concerning cross-examination).

CWF-0242 – No – Objection indicated no special benefit would be received but failed to challenge, or introduce evidence concerning special assessment.

CWF-0252 – No – Only introduced list of issues (12 general issues - none address special assessment for objector).

CWF-0259 – Yes – Evidence submitted with objection was minimal, but did include some comparative market analysis.

CWF-0264 – Yes – Evidence submitted with objection was minimal, but did include some comparative market analysis.

CWF-0265 – No – Only introduced list of issues (14 general issues - none address special assessment for objector).

CWF-0272 – No - Objection indicated no special benefit would be received but failed to challenge, or introduce evidence concerning special assessment.

CWF-0275 – No – Only introduced list of issues (9 general issues - none address special assessment for objector).

CWF-0279 – No – Only introduced list of issues (9 general issues - none address special assessment for objector).

CWF-0280 – Yes – Evidence submitted with objection was minimal, but did include some comparative market analysis.

CWF-0314 – Yes – Evidence submitted with objection was minimal, but did include some comparative market analysis.

CWF-0319 – No – Only introduced list of issues (4 general issues - none address special assessment for objector).

CWF-0322 – No – Only introduced list of issues (14 general issues - none address special assessment for objector).

CWF-0333 – Yes

CWF-0336 – Yes

CWF-0352 – Yes

CWF-0353 – Yes

CWF-0358 – Yes – but participation in cross-examination is limited. Evidence submitted with objection was not adequate, but analysis at hearing re. Crompton allows cross-examination as to such related issues only.

CWF-0375 – Yes

CWF-0385 – No – Only introduced list of issues (general issues - none address special assessment for objector).

CWF-0390 – Yes

CWF-0398 – Yes - The objection was minimal, and lacking any associated evidence. However, it was submitted by the same objector for case no. CWF-0204, and cross-examination will be allowed under that association.

Please note, the opportunity to cross-examine in this matter is not considered by the Hearing Examiner to be an absolute right, and is not required for your objection to be considered by the Hearing Examiner. To participate in cross-examination an objector must 1) have presented expert witness testimony and/or substantive lay testimony as part of the objection concerning the special assessment, and 2) be prepared to coordinate with other cross-examining objectors to ensure that questioning is not redundant, and make additional efforts to determine how the objectors will organize the cross-examination time objectors have – no additional time will be provided beyond the time allotted for cross-examination, and objectors should coordinate their time together accordingly. Note further, that while it is not required that you be an attorney to participate in cross-examination, no special accommodation will be made for non-attorneys - if you are a non-attorney participating in cross-examination, you will still be required to follow the same procedural requirements and processes as attorneys.

The Hearing Examiner may schedule an optional prehearing conference, in the period between now and these continued hearing dates, to assist objectors seeking to cross-examine to coordinate their cross-examination schedule.

### **Hearing Record**

Please note, that all information from the hearing record, including objections, exhibits submitted, copies of transcripts and recordings of hearings are located at [www.seattle.gov/hearing-examiner](http://www.seattle.gov/hearing-examiner).

Entered this 28<sup>th</sup> day of May, 2020.

s/Ryan Vancil  
Ryan Vancil, Hearing Examiner