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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In Re: Appeal by  
  
ESCALA OWNERS ASSOCIATION  
  
of Decisions Re Land Use Application  
for 1933 5<sup>th</sup> Avenue, Project 3019699

MUP-20-012  
  
APPELLANT’S WITNESS AND  
EXHIBIT LIST

Appellant Escala Owners Association hereby submits its witness and exhibit lists for the  
above-captioned appeal.

I. WITNESS LIST

Appellant may call the following witnesses to testify at the appeal hearing. The general subject  
matter of their expected testimony is noted below.

1. John Sosnowy, 1920 4<sup>th</sup> Avenue, Seattle, WA. Mr. Sosnowy is a resident of Escala  
who will provide background and context to understand the appellant’s position and perspective and  
to understand the impacts of the 5<sup>th</sup> and Virginia proposal. He may testify regarding any issue in the  
case.

2. Ed Clark and/or Horacio de la Iglesia will testify regarding the health impacts  
associated with blocking Escala residents’ access to daylight. Their qualifications and opinions are

1 generally set forth in the comment letters they have submitted previously. Among other things, Mr.  
2 Clark and or Mr. de la Iglesia are expected to testify about the health risks caused by lack of adequate  
3 access to natural light; that the loss of light caused by the Douglaston Tower proposal will expose  
4 Escala residents to significant health risks; that electric light is not an adequate substitute; that the  
5 addendum and city staff have ignored the comments provided by Mr. Clark and Mr. de la Iglesia; that  
6 the addendum confuses uncertainty re how to measure health risks with existence of health risks; that  
7 the addendum fails to acknowledge health risks are present; that the addendum wrongly concludes  
8 modeling the risk is not possible when, in fact, good modeling is possible; that Brainerd's conclusions  
9 are outliers; that the addendum is wrong to emphasize that individual responses will differ when that  
10 is always the case with exposure to any environmental hazard; that the impacts are significant if the  
11 people residing on the east side of Escala are subjected to these impacts; that the addendum is wrong  
12 to suggest people can self-mitigate by going outside more; and that the addendum's reliance on WELL  
13 and Stantec is misplaced.  
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16 Appellant reserves the right to call any witness identified by any other party, to call additional  
17 rebuttal witnesses, to call additional witnesses to the extent that it is allowed by the City of Seattle  
18 Hearing Examiner Rules, and to call substitute witnesses if any of the witnesses identified above  
19 become unavailable.  
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## 21 II. EXHIBIT LIST

22 Appellant identifies the following exhibits it may use at the hearing in this matter. A sharefile  
23 link to these documents (other than exhibits 1-3) is being provided to all counsel:

24 1. All documents that are listed on the City of Seattle Department of Construction and  
25 Inspections Permit and Property Records website (the "project portal") for the 5<sup>th</sup> and Virginia  
26 Proposal, Project Number 3019699.

2. All exhibits offered at the prior hearing concerning this same project.
3. EIS Addenda Since 2005.
4. Curriculum Vitae of Ed Clark.
5. Curriculum Vitae of Horacio de la Iglesia.
6. Babadjanov, Anton, Natural Light in Buildings: NIMBY Rhetoric or Livability  
Staple, May, 20, 2016.
7. Letter from Dr. Binh Lieu, MD to 5<sup>th</sup> and Virginia Development Committee (Dec. 10,  
2016).
8. Baraldo, M., The influence of circadian rhythms on the kinetics of drugs in humans.  
Expert Opinion on Drug Metabolism & Toxicology, 2008, 4(2): 175-192, DOI:  
10.1517/17425255.4.2.175
9. Viola A.U., et al., Blue-enriched white light in the workplace improves self-reported  
alertness, performance and sleep quality. Scand J Work Environ Health, September 2008, 34(4):297-  
306. Epub 2008 Sep 22.
10. Figueiro M, Plitnick B, Lok A, Jones G, Higgins P, Hornick T, Rea M. Tailored  
lighting intervention improves measures of sleep, depression, and agitation in persons with  
Alzheimer's disease and related dementia living in long-term care facilities. Clin Interv Aging.  
2014;9:1527-1537 (<https://doi.org/10.2147/CIA.S68557>)
11. Slegers, P., Moolenaar, N., Galetzka, M., Pruyn, A., Sarroukh, B., & van der Zande,  
B. (2013). Lighting affects students' concentration positively: Findings from three Dutch studies.  
Lighting Research & Technology, April 2013, 45(2): 159–175.  
<https://doi.org/10.1177/1477153512446099>

- 1           12.     Keis, Oliver & Helbig, Hannah & Streb, Judith & Hille, Katrin, Influence of blue-  
2 enriched classroom lighting on students' cognitive performance. Trends in Neuroscience and  
3 Education 3 (2014) 86-92.
- 4           13.     Javier Hernández-Andrés, Javier Romero, Juan L. Nieves, and Raymond L. Lee,  
5 "Color and spectral analysis of daylight in southern Europe." J. Opt. Soc. Am. A 18 (2001) 1325-1335  
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- 7           14.     Walch JM, Rabin BS, Day R, Williams JN, Choi K, Kang JD. The effect of sunlight  
8 on postoperative analgesic medication use: a prospective study of patients undergoing spinal surgery.  
9 Psychosom Med., 2005, 67(1):156-163. doi:10.1097/01.psy.0000149258.42508.70.
- 10          15.     Vetter *et al.*, *Light Me Up? Why, When, and How Much Light We Need.* Journal of  
11 Biological Rhythms, SRBR Public Outreach Brief, 2019.
- 12          16.     Avery, David, The Basics of Sleep.
- 13          17.     Van Den Wymelengerg, Kevin, The Benefits of Natural Light. Architectural Lighting  
14 Magazine, January-February 2014 (January 15, 2014).
- 15          18.     Edwards, L. and Torcellini, P., A Literature Review of the Effects of Natural Light on  
16 Building Occupants. NREL, July 2002.
- 17          19.     Browning, William, Ryan, Catherine, Clancy, Joseph, 14 Patterns of Biophilic Design  
18 – Improving the Health and Well Being of the Built Environment. Terrapin Bright Green, LLC, 2014.
- 19          20.     Terrapin Bright Green, The Economics of Biophilia – Why Designing With Nature in  
20 Mind Makes Financial Sense. Terrapin Bright Green, LLC, 2012.
- 21          21.     Fahimipour, Ashkaan K., et al., Daylight exposure modulates bacterial communities  
22 associated with household dust. Microbiome, 2018, 6:175.
- 23          22.     Kumar, Monica, Designing for Health: Light, Circadian Rhythms, and the Health of  
24 Caregivers. Contract Design, February 8, 2018.
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23. Perkins Will Research, Circadian Light Tracker: Preliminary Electronics Specification, Design and Implementation, April 20, 2018.

24. McLeod, Lauren, Designing in “light” of circadian support: 6 strategies for commercial spaces. Santec, July 31, 2018.

25. Murrye, Bernard, Does Circadian Lighting Work. Architect Magazine, June 10, 2019.

26. Ewing, Edelstein, Perkins and Will, *Simulating Circadian Light: Multi-Dimensional Illuminance Analysis*, 2017.

27. Ball, Lionel J., et al., The Pathophysiological Role of Disrupted Circadian and Neuroendocrine Rhythms in Breast Carcinogenesis. *Endocrine Reviews*, October 2016, 37(5): 450-466.

In addition to the exhibits identified above, appellant reserves the right to introduce exhibits for illustrative purposes, exhibits identified by any other party, exhibits allowed by the City of Seattle Hearing Examiner Rules, and exhibits for cross-examination or rebuttal.

Dated this 31<sup>st</sup> day of July, 2020.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP

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