

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

Hearing Examiner File: MUP-20-012 (W)

APPLICANT JODI PATTERSON  
O'HARE'S WITNESS AND EXHIBIT  
LIST

Applicant Jodi Patterson-O'Hare ("Applicant") submits the following list of witnesses  
and exhibits in the above-captioned appeal.

**I. WITNESS LIST**

The following are witnesses that Applicant may call in this matter:

1. Erik Mott, AIA, Principal, Perkins+ Will. May testify regarding the Applicant's  
proposed mixed-use development at 1933 5<sup>th</sup> Avenue (the "Proposal") and the City of Seattle  
("City") Department of Construction & Inspections ("SDCI") Master Use Permit process for the  
Proposal, including the State Environmental Policy Act ("SEPA") review upon remand from the  
Hearing Examiner.

1           2.       George D. Brainard, Ph.D., Department of Neurology, Thomas Jefferson  
2 University. May provide expert testimony regarding issues relating to lighting and human  
3 health, including testimony regarding the report entitled, “The Influences of Light Exposure and  
4 Darkness on Human Health,” Appendix B to the Updated EIS Addendum prepared for the  
5 Proposal.  
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7           3.       John Hanifin, Ph.D., Department of Neurology, Thomas Jefferson University.  
8 May provide expert testimony regarding issues relating to lighting and human health, including  
9 testimony regarding the report entitled, “The Influences of Light Exposure and Darkness on  
10 Human Health,” Appendix B to the Updated EIS Addendum prepared for the Proposal. Dr.  
11 Hanifin would testify only if Dr. Brainard is no longer available to testify.  
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13           4.       Denise Fong, Lead Lighting Principal in Charge, Stantec. May provide expert  
14 testimony regarding issues relating to lighting, including testimony regarding the report entitled,  
15 “5<sup>th</sup> and Virginia Daylight and Electric Light Analysis,” Appendix C to the Updated EIS  
16 Addendum prepared for the Proposal.  
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18           5.       Duane Steffey, Ph.D., Principal Scientist and Practice Director, Exponent. May  
19 provide expert testimony regarding statistical studies regarding daylight activity, including  
20 testimony regarding the report entitled, “Daylight Activity Study,” Appendix D to the Updated  
21 EIS Addendum prepared for the Proposal.  
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23           6.       Michele Sarlitto, Senior Planner, EA Engineering, Science and Technology, Inc.  
24 May provide expert testimony regarding issues related to the Proposal and the Approval Process,  
25 including SEPA.  
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7. Terry McCann, Senior Planner, EA Engineering, Science and Technology, Inc. May provide expert testimony regarding issues related to the Proposal and the Approval Process, including SEPA. Mr. McCann would testify only if Ms. Sarlitto is no longer available to testify.

8. Shelley Bolser, SDCI. May testify regarding the Proposal, the Approval Process, and the SEPA process on remand from the Hearing Examiner.

9. Witnesses listed by any other party.

10. Witnesses in rebuttal to testimony or evidence introduced by the Appellant.

## II. EXHIBIT LIST

The following are exhibits that Applicant may introduce in this matter:

1. Master Use Permit Application No. 3019699 and all associated plans, responses, reports, studies, addenda, letters, and documents relative to the Proposal in the SDCI Permit and Property Records website (“Project Portal”). The Project Portal with access to the records for the Proposal is accessible at: <https://cosaccela.seattle.gov/portal/welcome.aspx>.

2. Downtown Height and Density Changes Final Environmental Impact Statement dated January 2005 (previously provided to Hearing Examiner per the prehearing order).

3. Updated EIS Addendum prepared for the Proposal, dated November 18, 2019, including appendices.

4. Revised MUP Decision for Project 3019699-LU dated April 23, 2020.

5. Commission International De L'Eclairage, CIE 218:2016, *Technical Note Research Roadmap for Healthful Interior Lighting Applications* (2016).

6. Commission International De L'Eclairage, CIE TN 003:2015, *Report on the First International Workshop on Circadian and Neurophysiological Photometry, 2013* (2013).

- 1           7.       Commission International De L'Eclairage, CIE S-026, *CIE System for Metrology*  
2 *of Optical Radiation for ipRGC-Influenced Responses to Light* (2018).
- 3           8.       Commission International De L'Eclairage, CIE S-026, *Toolbox for Implementing*  
4 *CIE System for Metrology of Optical Radiation for ipRGC-Influenced Responses to Light* [Excel  
5 File] (2018).
- 6           9.       Commission International De L'Eclairage, CIE S-026, *User Guide for*  
7 *Implementing CIE System for Metrology of Optical Radiation for ipRGC-Influenced Responses*  
8 *to Light* (2018).
- 9           10.      Commission International De L'Eclairage, CIE Position Statement, *CIE Statement*  
10 *on Non-Visual Effects of Light: Recommending Proper Light at the Proper Time* (2019).
- 11           11.      Daylight Academy, et al., Changing Perspectives on daylight: Science,  
12 technology, and culture, *Science* (2017).
- 13           12.      Timothy Brown, Melanopic illuminance defines the magnitude of human  
14 circadian light responses under a wide range of conditions, *Journal of Pineal Research* (2019).
- 15           13.      Kyle Konis, A novel circadian daylight metric for building design and evaluation,  
16 *Building and Environment* (2016).
- 17           14.      Mirjam Munch, et al., The Role of Daylight for Humans: Gaps in Current  
18 Knowledge, *Clocks & Sleep* (2020).
- 19           15.      Robert Lucas, et al., Measuring and using light in the melanopsin age, *Trends in*  
20 *Neuroscience* (2014).
- 21           16.      Powerpoint Presentation from Dr. George Brainard.
- 22           17.      Powerpoint Presentation from Denise Fong.
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18. Curriculum Vitae of George Brainard, Ph.D.
19. Curriculum Vitae of John Hanifin, Ph.D.
20. Resume of Denise Fong.
21. Resume of Duane Steffey, Ph.D.
22. Resume of Michele Sarlitto.
23. Resume of Terry McCann.
24. Resume of Erik Mott, AIA.
25. All exhibits listed on the Appellant's exhibit list.
26. All exhibits listed on the City's exhibit list.
27. Exhibits responsive to evidence introduced by the Appellant.

The Applicant reserves the right to supplement, amend or revise this list and to submit additional exhibits and call additional witnesses in response to testimony and evidence introduced by Appellant, as requested by the Hearing Examiner or due to the availability of witnesses.

Respectfully submitted this 7<sup>th</sup> day of August, 2020.

McCULLOUGH HILL LEARY, P.S.

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