

Deputy Hearing Examiner Susan Drummond

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:

Hearing Examiner File:
W-21-007

TreePAC Environmental Impact Review
(TEIR) and Greenwood Exceptional
Trees (GET) of the November 15, 2021
Determination of Non-Significance by
Brennon Staley, Office of Planning and
Community Development (OPCD).

APPELLANTS' INTERROGATORY #1
AND REQUESTS FOR PRODUCTION
TO THE CITY OF SEATTLE OPCD

TO: SEATTLE OFFICE OF PLANNING & COMMUNITY DEVELOPMENT

AND TO: Daniel Mitchell, Seattle City Attorney's Office

INTERROGATORIES AND REQUESTS FOR PRODUCTION

Pursuant to HER 3.11, CR and KCLR 26, 33, and 34, Appellant pro-se representative Richard Ellison, Vice President of TreePAC and Chair of TreePAC Environmental Impact Review (TEIR) hereby requests that you produce for inspection and copying or digital transfer the described documents within your possession, custody, or control, and that you respond to the following interrogatories. The Department reference is the November 15, 2021 Determination of Non-Significance Notice regarding Seattle city-wide townhouse development and parking standards from Brennon Staley, Office of Planning and Community Development (OPCD). Please respond to the interrogatories and produce the documents to Richard Ellison at treesandpeople@pacificwest.com, or P.O. Box 30531, Seattle WA 98113, within the seven calendar days after this date of service, or as agreed from a pre-hearing order issued by the Office of the Hearing Examiner in response to our earlier motion for discovery. A proof of your

1 response, without the attachments, should be e-filed by 5:00pm with the Office of the Hearing
2 Examiner. A failure of the respondent(s) timely response to these interrogatories as set forth
3 within the Order will cause an equitable continuance of the appellant's response date to the
4 Department's and the Applicant's dispositive motions as well as a possible continuance to the
5 scheduled hearing date. Many of these inquiries as noted below are a result of incomplete
6 Department City Record. Failure to provide an adequate response, including such responses
7 similar to 'a full or partial reply will be provided an identified later date' will also cause an
8 equitable continuance of the above stated dates.

9 **GENERAL INSTRUCTIONS**

10 1. The answer to each Discovery Request shall include such knowledge as is within
11 your custody, possession, or control, including but not limited to, knowledge and documents in
12 your custody, possession, or control, or that of associated or related organizations, or those under
13 common control of your consultants, accountants, attorneys, and other agents. When facts set forth
14 in answers or portions thereof are supplied upon information and belief rather than actual
15 knowledge, you shall so state, and specifically describe or identify the source or sources of such
16 information and belief. Should you be unable to answer any Discovery Request or portion thereof
17 by either actual knowledge or upon information and belief, you should describe your efforts to
18 obtain such information.

19 2. In the event you produce original documents for inspection and copying, such
20 production shall be as the documents are kept in the usual course of business.

21 3. Documents copied shall be copied as they are kept in the normal course of business,
22 and any titles, labels, or other descriptions on any box, folder, binder, file cabinet, or other
23 container shall be copied as well. Documents originating in paper format should be scanned as

1 images at the time of copying, with optical character recognition (“OCR”). Scanned images shall
2 be produced in the same format as electronically stored information, as set forth below.

3 4. The obligations imposed by Rules 26, 33 and 34 of the Washington Court Civil
4 Rules are hereby incorporated by reference, including, but not limited to, the duty to supplement
5 imposed by Rule 26(e). Supplemental answers and documents are requested in the event that
6 you subsequently obtain or become aware of the existence of information that differs from or is
7 in addition to that contained in earlier answers.

8 5. Non-identical copies of the same document (i.e., with marginal notes, etc.)
9 constitute separate documents and must all be produced.

10 6. Electronically stored information shall be produced in reasonably usable form,
11 including specifically any ability to search or perform calculations with the information in the form
12 it is maintained by the Seattle Office of Planning and Community Development, the Seattle
13 Department of Construction and Inspections (such as development examples) other agencies relied
14 upon in the Department’s decision.

15 7. Email, word processing documents and spreadsheets (e.g. Excel documents) shall
16 be converted to pdf format or images and produced, together with requested metadata, except that
17 the Appellant explicitly reserves the right to request supplemental production of spreadsheets in
18 native file format.

19 8. Electronically stored information in other formats shall be identified prior to
20 production to permit the parties to confer over production format.

21 9. If you claim that any privilege is applicable to any requested document or other
22 thing, or any part thereof, you shall, with respect to that document or other thing:

23 (i) State the date of origination, drafting, making or taking of the document;

- 1 (ii) Identify each and every author, maker, or originator thereof;
- 2 (iii) Identify each and every person who appeared or participated in the preparation
- 3 thereof;
- 4 (iv) Identify each and every person who received the document or other thing;
- 5 (v) State the present location of the document or thing and all copies thereof;
- 6 (vi) Identify each and every person who has or ever had possession, custody or control
- 7 of the document or other thing or any copy thereof; and
- 8 (vii) Identify the basis of the asserted claim of privilege.

9 This information shall be provided in a privilege log that shall be provided at the time of
10 the discover response.

11 10. In responding to the following Requests, you shall furnish all information that is
12 available to you, including information in the possession, custody, or control of your attorneys,
13 accountants, investigators, experts, representatives, agents, or anyone acting on your behalf or on
14 their behalf. If you cannot answer these requests in full, answer to the extent possible, specify the
15 reasons for your inability to answer the remainder, and state whatever information or knowledge
16 you have concerning the unanswered portion, and identify each person whom you believe has
17 information regarding the subject of Request.

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19 control that have been discarded, misplaced, lost, destroyed, or otherwise placed outside your
20 custody or control, identify the document and describe its contents in detail and state when the
21 document was discarded, misplaced, lost, destroyed, or otherwise placed outside your custody or
22 control. If the document was destroyed, identify each person with knowledge of its destruction,
23 each person requesting or performing the destruction, the reasons for its destruction, and each
document that refers or relates to either the existence of or destruction of the document. For each

1 document that was discarded, misplaced, lost, or otherwise placed outside your custody or control,
2 explain all circumstances in relation to the loss of the document and identify each person with
3 knowledge regarding those circumstances.

4 12. The singular shall include the plural and vice versa and the conjunctive shall include
5 the disjunctive and vice versa. References to the masculine, feminine, or neuter gender shall
6 include the neuter, feminine and masculine genders, as the context requires.

7 DEFINITIONS

8 1. **"Document"** The term "document" means all written, graphic, or otherwise
9 recorded information, whether produced, reproduced, or stored on paper, cards, tapes file,
10 electronic facsimile, computer storage devices, memories, data cells, or other data compilations
11 from which information can be obtained, including but not limited to letters, reports, notes,
12 memoranda, receipts, email, logs, electronic data files, photographs and negatives thereof, charts,
13 surveys, building plans or drawings, engineering plans or drawings, architectural plans or
14 drawings, telegrams, minutes, recording of telephone conversations, interviews, conferences or
15 other meetings, estimates, schedules, contracts, desk calendars, appointment books, diaries,
16 audio or video tapes, and all things similar to the foregoing, however denominated, and any and
17 all matter of material applied to any of the above. "Document" also includes any additional
18 copies which are not identical to the original by virtue of any notation or modification of any
19 kind, including, without limiting the generality of the foregoing, notes or modifications on the
20 backs or margins of pages thereof, or on copies thereof, or by virtue of attachments thereto. The
21 term document shall include any amendments to the requested document.
22
23

1 2. The term “**communication**” means any conversation, meeting, correspondence,
2 conference, electronic mail, and any other means or manner by which information or opinion is
3 or was communicated to or received from others, whether written or oral.

4 3. To “**identify**” a person means to state the full name of the individual, the
5 individual’s last known business and home addresses and phone numbers, and, if known, the
6 individual’s present or last known business affiliation and title.

7 4. The term “**identify**” or “**identification**” when used in reference to a document
8 means to state the date and author(s), signer(s), intended recipient(s), and its present or last known
9 location or custodian. If any such document was, but is no longer, in your possession or subject to
10 your control, state what disposition was made of it, and the reason for such disposition.

11 5. “**Expert witness**” means any person whose testimony may be presented, for any
12 purpose, under Evidence Rules 702, 703 or 705.

13 13. The term “**you**” or “**Department**” shall mean the City of Seattle Office of Planning
14 and Community Development its executives, and its representatives, including but not limited to,
15 its members partially or directly involved with the matters of the Subject decision, including
16 associated approvals leading up to this decision.

17 14. The term “**Applicant**” or “**Owner**” is the same as the ‘Department’ in city-wide
18 decisions. The term’s reference are not limited to its individuals partially or directly involved with
19 the matters of the Subject decision, including associated approvals leading up to this decision.

20 15. The terms “**and**” and “**or**” shall be understood in both the conjunctive and
21 disjunctive sense, synonymous with “**and/or**.”

22 16. The terms “**any**” and “**all**” shall be understood in their most inclusive sense,
23 synonymous with “**any or all**.”

1 **OBJECTIONS**

2 If you object to answering any interrogatory or request for production, in whole or in part,
3 state your objection and the factual or legal reasons supporting each objection. Do not generalize
4 objections by referring to other replies, such as “See above”, as each question has specific merits.
5 If you object on grounds of privilege, please also state the nature and extent of all allegedly
6 privileged matters in sufficient detail to allow the Appellant to seek an order compelling disclosure
7 of the information in question. State the date, author(s), addresses, persons receiving copies of,
8 and the general subject matter of each document withheld under a claim of privilege and/or work
9 product. For each request for production or part thereof to which you object on the ground of
10 burdensomeness, please indicate the custodian and location of each file or document requested,
11 the time estimated to obtain the information, and the costs necessary to answer, as well as the basis
12 for the cost estimate.

13 **INTERROGATORIES**

14 **INTERROGATORY NO. 1:** Identify each person *and contact information* from the Seattle
15 Office of Planning and Community Development and persons from city agencies and external
16 consultants that were engaged to provide information for the OPCD that contributed analysis that
17 lead to the Determination of Non-Significance. Include which aspects of the decision that the
18 individual was involved. This list should include persons that may no longer be engaged or
19 consulting with OPCD, and will be utilized to form a list of witnesses.

20 **RESPONSE(s):**

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1
2 **INTERROGATORY NO. 2:** The SEPA Checklist references in several responses that there are
3 no-direct impacts to the decision by the OPCD Department – as this is a non-project action.
4 Identify the specific Seattle Municipal Codes that would exempt city-wide actions from SEPA
5 impact review as suggested within the checklist responses.

6 **RESPONSE:**
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10 **INTERROGATORY NO. 3:** For the analysis shown in Core Exhibit 1 “Proposal Summary”
11 dated November 1, 2021, there is an example 1 without subdivision and example 2 with
12 subdivision. It suggests no change in lot use outside of the structure footprints. Provide addresses
13 of examples with the corresponding SDCI MUP application numbers that demonstrate when the
14 ground floor townhouse of SFR structure has been replaced via subdivision with two rowhouses
15 of the equivalent area and that the area of vehicular access is relatively unchanged. Part 2, quantify
16 the number of LR1 zoned MUP applications with lot subdivisions/ lot boundary adjustments
17 compared to the number of LR1 zoned MUP applications without lot segregation. Provide
18 addresses and MUP application numbers for each.

19 **RESPONSE – part 1:**
20
21

22 **RESPONSE – part 1:**
23

INTERROGATORY NO. 4: Fourteen City Core Document of records were received on January 10, 2022¹ (following email typing error) included Exhibit No. 7 “List of Example Projects Achieving Higher Density Through Subdivision” and subsequent one-page site plan Exhibits 8 through 13 of the Examples. However, these examples are missing critical information to access the potential SEPA environmental impacts quantified within Seattle Municipal Code Title 25For each example, complete the missing quantitative information corresponding to the site as indicated below.

RESPONSE No. 4 for all the Exhibits 8 to 13:

- a. Number of Dwellings Allowed for Townhouses (July 2015 to March 2019):**
- b. Number of Dwellings Allowed for Rowhouses (July 2015 to March 2019):**
- c. Floor Area Ratio (FAR) Allowed for Townhouses (2015 to March 2019):**
- d. Floor Area Ratio (FAR) Allowed for Rowhouses (2015 to March 2019):**
- e. Floor Area Ratio (FAR) Allowed for Townhouses (after April 2019):**
- f. Floor Area Ratio (FAR) Allowed for Rowhouses (after April 2019):**

¹ OPCD’S LIST OF CORE DOCUMENTS included, by exhibit number:

- 1. Proposal Summary of the Draft townhouse reform legislation
- 2. Draft townhouse reform legislation
- 3. SEPA Environmental Checklist
- 4. SEPA Determination of Non-Significance
- 5. Notice of SEPA Determination of Non-Significance
- 6. Townhouse Reform GIS Analysis Summary
- 7. List of Example Projects Achieving Higher Density Through Subdivision
- 8. Example Site Plan – 704 & 712 W Bertona Street
- 9. Example Site Plan – 5030 & 5036 Sand Point Place NE
- 10. Example Site Plan – 8322, 8236 & 8328 13th Ave NW
- 11. Example Site Plan – 1716 & 1718 27th Ave
- 12. Example Site Plan – 3236 & 3238 14th Ave NW
- 13. Example Site Plan – 3408 & 3412 34th Ave W
- 14. Notice of SEPA DNS posted in SEPA Register

RESPONSE No. 4 for Exhibit 8. Example Site Plan – 704 & 712 W Bertona Street:

- a. Month and Year of MUP Application started (MM/YYYY) _____
- b. MUP Application number(s) assigned: # _____ -LU; # _____ -LU
- c. Total Floor Area (from FAR) Allowed for the Townhouses: _____ SF
- d. Total Floor Area Actually Permitted for the Townhouses: _____ SF
- e. Total Floor Area (from FAR) Allowed for the Rowhouses: _____ SF
- f. Total Floor Area Actually Permitted for the Rowhouses: _____ SF
- g. Date of Latest Arborist Report (MM/DD/YYYY): _____
1. Number of Significant trees² retained _____
2. Number of Significant trees removed _____
3. Number of Significant tree species planted _____
- h. Total parking spaces required by Code: _____
- i. Total parking spaces actually permitted: _____
- j. Townhouse-only dwellings allowed³ on provided 'Total Lot Size'⁴ _____
- k. OPCD-proposed townhouse-only dwellings⁵ on equivalent 'Total Lot Size'

- l. 'Total Lot Size' percentage covered with imperious structures and surfaces
_____ %

² Significant trees as defined by the City of Seattle Municipal Code.

³ The allowable number of dwellings should be based on when the application for MUP was applied for. For application submissions initiated before April 19, 2019, the allowable number of dwellings per lot area will be less than application submissions initiated after April 19, 2019.

⁴ Assuming equitable 'Total Lot Size' without a lot segregation action or lot segregation policy applied. This will be the table-provided total lot size divided by the application-specific applicable allowed dwelling density.

⁵ Assuming equitable 'Total Lot Size' without a lot segregation action or lot segregation policy applied. This will be the table-provided total lot size divided by the proposed 1 dwelling for every 1,150 square feet of lot area.

RESPONSE No. 4 for Exhibit 9. Example Site Plan – 5030 & 5036 Sand Point Place

NE:

Repeat in a table format responses ‘a’ to ‘I’ as inquired for Exhibit 8.

RESPONSE No. 4 for Exhibit 10. Example Site Plan – 8322, 8236 & 8328 13th Ave

NW:

Repeat in a table format responses ‘a’ to ‘I’ as inquired for Exhibit 8.

RESPONSE No. 4 for Exhibit 11. Example Site Plan – 1716 & 1718 27th Ave:

Repeat in a table format responses ‘a’ to ‘I’ as inquired for Exhibit 8.

RESPONSE No. 4 for Exhibit 12. Example Site Plan – 3236 & 3238 14th Ave NW(?):

Repeat in a table format responses ‘a’ to ‘I’ as inquired for Exhibit 8.

RESPONSE No. 4 for Exhibit 13. Example Site Plan – 3408 & 3412 34th Ave W:

Repeat in a table format responses ‘a’ to ‘I’ as inquired for Exhibit 8.

INTERROGATORY NO. 5: For Core Document Exhibits 8, 9, 10, 11, and 12, the site plan only describes and demonstrates the rowhouse portion of the full development and does not show the number and site characteristics for the townhouses located behind the rowhouses as provided with the fully-described Exhibit 13. Exhibit 7 tabulates the missing information that should appear within the incomplete exhibits 8 through 12. For each of the exhibits 8 through 12, provide reason why only partial information has been provided or provide supplemental drawings to demonstrate the complete development to the five (5) examples.

RESPONSE:

1 **INTERROGATORY NO. 6:** Core Document Exhibit 7 and Exhibit 12 do not match for quantity
2 and address. Delineate the differences between these two exhibits and if a correction to a Core
3 Document is required.

4 **RESPONSE:**

5
6 **INTERROGATORY NO. 7:** Include Core Documents from the 2017 to 2019 Final
7 Environmental Impact Studies / Statement relative to the SEPA checklist for both the MHA-related
8 zoning modifications which increase dwelling size and density within LR-zoned lots; as well as
9 the Accessory Dwelling Unit modifications which resulted in reduced tree requirements within
10 Neighborhood Residential (formerly single-family) zoned properties. Describe the ways this
11 Determination considered the long-term cumulative impacts of reduced area of the tree canopy
12 comprehensively with the recent land-use decisions approved in 2019. Identify the names and
13 position and contact information for those individuals who have been directly involved in this
14 review.

15 **RESPONSE:**

16
17
18 **INTERROGATORY NO. 6:** The 2016 Tree Canopy Assessment provided by the University of
19 Vermont for the City of Seattle indicated a target of twenty percent of Seattle's tree canopy within
20 LR-zoned or multifamily residential properties. Describe how this determination has
21 accommodated 20-percent canopy cover while proposing the increased density within the LR-
22 zoned or multifamily residential properties. Identify the names and position and contact
23 information for those individuals who have been directly involved in this review.

1 **RESPONSE:**

2

3

4 **INTERROGATORY NO. 7:** How has the OPCD examined (along with SDCI and SPU) the

5 previously-approved (2019) increased density in low-rise residential and neighborhood residential

6 with up to three dwellings (including up to two ADU) translate into quantifiable sanitary sewer

7 and stormwater discharge demands within existing infrastructure located within the street and alley

8 right-of-way? How has OPCD assessed the increased density at full buildout of properties within

9 these zones to affect watersheds and salmon habitat? Has the reduction of on-site trees been

10 considered in qualifying stormwater discharge from properties within townhome and rowhouse

11 development zones?

12 **RESPONSE:**

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14

15

16 **INTERROGATORY NO. 8:** Describe the community engagement process, time periods, means

17 of notice, record of attendance, and full record of responses that lead to the support and opposition

18 to this decision?

19 **RESPONSE:**

20

21

22

23

1 **REQUESTS FOR PRODUCTION**

2

3 **REQUEST FOR PRODUCTION NO. 1:** Produce all reports (including preliminary reports and

4 drafts) notes, memoranda, communications, and any other documents prepared by or for each

5 expert you identified in response to Interrogatory No. 1.

6 **RESPONSE:**

7

8 **REQUEST FOR PRODUCTION NO. 2:** Produce all reports (including preliminary reports and

9 drafts) notes, memoranda, communications, and any other documents prepared by or for each

10 expert you identified in response to Interrogatory No. 2

11 **RESPONSE:**

12

13 **REQUEST FOR PRODUCTION NO. 3:** Produce all documents provided to, reviewed, and/or

14 relied upon by each expert identified in response to Interrogatory No. 3.

15 **RESPONSE:**

16

17 **REQUEST FOR PRODUCTION NO. 4:** Produce all reports (including preliminary reports and

18 drafts) notes, memoranda, communications, and any other documents prepared by or for each

19 expert you identified in response to Interrogatory No. 4.

20 **RESPONSE:**

21

22

23

1 **REQUEST FOR PRODUCTION NO. 5:** Produce all reports (including preliminary reports and
2 drafts) notes, memoranda, communications, and any other documents prepared by or for each
3 expert you identified in response to Interrogatory No. 5.

4 **RESPONSE:**

5
6 **REQUEST FOR PRODUCTION NO. 6:** Produce all reports (including preliminary reports
7 and drafts) notes, memoranda, communications, and any other documents prepared by or for each
8 expert you identified in response to Interrogatory No. 6.

9 **RESPONSE:**

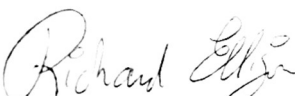
10
11 **REQUEST FOR PRODUCTION NO. 7:** Produce all reports (including preliminary reports and
12 drafts) notes, memoranda, communications, and any other documents prepared by or for each
13 expert you identified in response to Interrogatory No. 7.

14 **RESPONSE:**

15
16 **REQUEST FOR PRODUCTION NO. 8:** Produce all reports (including preliminary reports and
17 drafts) notes, memoranda, communications, and any other documents prepared by or for each
18 expert you identified in response to Interrogatory No. 8.

19 **RESPONSE:**

20
21 Signed this 14th day of January 2022 in Seattle, Washington.

22 
23 _____
Richard Ellison, appellant rep pro se

Certificate of Service

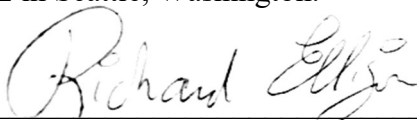
I certify that on this date, I electronically filed a copy of the foregoing document **APPELLANT'S INTERROGATORIES #1 AND REQUESTS FOR PRODUCTION** with the Seattle Hearing Examiner using its e-filing system in the matter of the Determination of Non-Significance issued by the Director, Office of Planning and Community Development, Hearing Examiner File No. W-21-007. I also certify that on this date, a copy of the same document was sent via email to the following parties:

Department:
Geoffrey Wentlandt
Office of Planning and Community Development
Email: geoffrey.wentlandt@seattle.gov

Department Legal Counsel:
Daniel Mitchell
Seattle City Attorney's Office
Email: daniel.mitchell@seattle.gov

Co-Appellant:
Ivy Durslag,
Greenwood Exceptional Trees,
512 N. 82nd Street Seattle, WA 98103
Email: ivyhaley@msn.com

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct to the best of my knowledge and belief.
Signed this 14th day of January 2022 in Seattle, Washington.



Richard Ellison, appellant rep pro se

Deputy Hearing Examiner Susan Drummond

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:

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TO: SEATTLE OFFICE OF PLANNING & COMMUNITY DEVELOPMENT

AND TO: Daniel Mitchell, Seattle City Attorney's Office

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- 4 (iv) Identify each and every person who received the document or other thing;
- 5 (v) State the present location of the document or thing and all copies thereof;
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22 control. If the document was destroyed, identify each person with knowledge of its destruction,
23 each person requesting or performing the destruction, the reasons for its destruction, and each
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6 include the neuter, feminine and masculine genders, as the context requires.

7 DEFINITIONS

8 1. **“Document”** The term "document" means all written, graphic, or otherwise
9 recorded information, whether produced, reproduced, or stored on paper, cards, tapes file,
10 electronic facsimile, computer storage devices, memories, data cells, or other data compilations
11 from which information can be obtained, including but not limited to letters, reports, notes,
12 memoranda, receipts, email, logs, electronic data files, photographs and negatives thereof, charts,
13 surveys, building plans or drawings, engineering plans or drawings, architectural plans or
14 drawings, telegrams, minutes, recording of telephone conversations, interviews, conferences or
15 other meetings, estimates, schedules, contracts, desk calendars, appointment books, diaries,
16 audio or video tapes, and all things similar to the foregoing, however denominated, and any and
17 all matter of material applied to any of the above. "Document" also includes any additional
18 copies which are not identical to the original by virtue of any notation or modification of any
19 kind, including, without limiting the generality of the foregoing, notes or modifications on the
20 backs or margins of pages thereof, or on copies thereof, or by virtue of attachments thereto. The
21 term document shall include any amendments to the requested document.
22
23

1 2. The term “**communication**” means any conversation, meeting, correspondence,
2 conference, electronic mail, and any other means or manner by which information or opinion is
3 or was communicated to or received from others, whether written or oral.

4 3. To “**identify**” a person means to state the full name of the individual, the
5 individual’s last known business and home addresses and phone numbers, and, if known, the
6 individual’s present or last known business affiliation and title.

7 4. The term “**identify**” or “**identification**” when used in reference to a document
8 means to state the date and author(s), signer(s), intended recipient(s), and its present or last known
9 location or custodian. If any such document was, but is no longer, in your possession or subject to
10 your control, state what disposition was made of it, and the reason for such disposition.

11 5. “**Expert witness**” means any person whose testimony may be presented, for any
12 purpose, under Evidence Rules 702, 703 or 705.

13 13. The term “**you**” or “**Department**” shall mean the City of Seattle Office of Planning
14 and Community Development its executives, and its representatives, including but not limited to,
15 its members partially or directly involved with the matters of the Subject decision, including
16 associated approvals leading up to this decision.

17 14. The term “**Applicant**” or “**Owner**” is the same as the ‘Department’ in city-wide
18 decisions. The term’s reference are not limited to its individuals partially or directly involved with
19 the matters of the Subject decision, including associated approvals leading up to this decision.

20 15. The terms “**and**” and “**or**” shall be understood in both the conjunctive and
21 disjunctive sense, synonymous with “**and/or**.”

22 16. The terms “**any**” and “**all**” shall be understood in their most inclusive sense,
23 synonymous with “**any or all**.”

1 **OBJECTIONS**

2 If you object to answering any interrogatory or request for production, in whole or in part,
3 state your objection and the factual or legal reasons supporting each objection. Do not generalize
4 objections by referring to other replies, such as “See above”, as each question has specific merits.
5 If you object on grounds of privilege, please also state the nature and extent of all allegedly
6 privileged matters in sufficient detail to allow the Appellant to seek an order compelling disclosure
7 of the information in question. State the date, author(s), addresses, persons receiving copies of,
8 and the general subject matter of each document withheld under a claim of privilege and/or work
9 product. For each request for production or part thereof to which you object on the ground of
10 burdensomeness, please indicate the custodian and location of each file or document requested,
11 the time estimated to obtain the information, and the costs necessary to answer, as well as the basis
12 for the cost estimate.

13 **INTERROGATORIES**

14 **INTERROGATORY NO. 1:** Identify each person *and contact information* from the Seattle
15 Office of Planning and Community Development and persons from city agencies and external
16 consultants that were engaged to provide information for the OPCD that contributed analysis that
17 lead to the Determination of Non-Significance. Include which aspects of the decision that the
18 individual was involved. This list should include persons that may no longer be engaged or
19 consulting with OPCD, and will be utilized to form a list of witnesses.

20 **RESPONSE(s):**

21

22

23

1
2 **INTERROGATORY NO. 2:** The SEPA Checklist references in several responses that there are
3 no-direct impacts to the decision by the OPCD Department – as this is a non-project action.
4 Identify the specific Seattle Municipal Codes that would exempt city-wide actions from SEPA
5 impact review as suggested within the checklist responses.

6 **RESPONSE:**
7
8
9

10 **INTERROGATORY NO. 3:** For the analysis shown in Core Exhibit 1 “Proposal Summary”
11 dated November 1, 2021, there is an example 1 without subdivision and example 2 with
12 subdivision. It suggests no change in lot use outside of the structure footprints. Provide addresses
13 of examples with the corresponding SDCI MUP application numbers that demonstrate when the
14 ground floor townhouse of SFR structure has been replaced via subdivision with two rowhouses
15 of the equivalent area and that the area of vehicular access is relatively unchanged. Part 2, quantify
16 the number of LR1 zoned MUP applications with lot subdivisions/ lot boundary adjustments
17 compared to the number of LR1 zoned MUP applications without lot segregation. Provide
18 addresses and MUP application numbers for each.

19 **RESPONSE – part 1:**
20
21

22 **RESPONSE – part 1:**
23

INTERROGATORY NO. 4: Fourteen City Core Document of records were received on January 10, 2022¹ (following email typing error) included Exhibit No. 7 “List of Example Projects Achieving Higher Density Through Subdivision” and subsequent one-page site plan Exhibits 8 through 13 of the Examples. However, these examples are missing critical information to access the potential SEPA environmental impacts quantified within Seattle Municipal Code Title 25For each example, complete the missing quantitative information corresponding to the site as indicated below.

RESPONSE No. 4 for all the Exhibits 8 to 13:

- a. Number of Dwellings Allowed for Townhouses (July 2015 to March 2019):**
- b. Number of Dwellings Allowed for Rowhouses (July 2015 to March 2019):**
- c. Floor Area Ratio (FAR) Allowed for Townhouses (2015 to March 2019):**
- d. Floor Area Ratio (FAR) Allowed for Rowhouses (2015 to March 2019):**
- e. Floor Area Ratio (FAR) Allowed for Townhouses (after April 2019):**
- f. Floor Area Ratio (FAR) Allowed for Rowhouses (after April 2019):**

¹ OPCD’S LIST OF CORE DOCUMENTS included, by exhibit number:

- 1. Proposal Summary of the Draft townhouse reform legislation
- 2. Draft townhouse reform legislation
- 3. SEPA Environmental Checklist
- 4. SEPA Determination of Non-Significance
- 5. Notice of SEPA Determination of Non-Significance
- 6. Townhouse Reform GIS Analysis Summary
- 7. List of Example Projects Achieving Higher Density Through Subdivision
- 8. Example Site Plan – 704 & 712 W Bertona Street
- 9. Example Site Plan – 5030 & 5036 Sand Point Place NE
- 10. Example Site Plan – 8322, 8236 & 8328 13th Ave NW
- 11. Example Site Plan – 1716 & 1718 27th Ave
- 12. Example Site Plan – 3236 & 3238 14th Ave NW
- 13. Example Site Plan – 3408 & 3412 34th Ave W
- 14. Notice of SEPA DNS posted in SEPA Register

RESPONSE No. 4 for Exhibit 8. Example Site Plan – 704 & 712 W Bertona Street:

- a. Month and Year of MUP Application started (MM/YYYY) _____
- b. MUP Application number(s) assigned: # _____ -LU; # _____ -LU
- c. Total Floor Area (from FAR) Allowed for the Townhouses: _____ SF
- d. Total Floor Area Actually Permitted for the Townhouses: _____ SF
- e. Total Floor Area (from FAR) Allowed for the Rowhouses: _____ SF
- f. Total Floor Area Actually Permitted for the Rowhouses: _____ SF
- g. Date of Latest Arborist Report (MM/DD/YYYY): _____
1. Number of Significant trees² retained _____
2. Number of Significant trees removed _____
3. Number of Significant tree species planted _____
- h. Total parking spaces required by Code: _____
- i. Total parking spaces actually permitted: _____
- j. Townhouse-only dwellings allowed³ on provided 'Total Lot Size'⁴ _____
- k. OPCD-proposed townhouse-only dwellings⁵ on equivalent 'Total Lot Size'

- l. 'Total Lot Size' percentage covered with imperious structures and surfaces
_____ %

² Significant trees as defined by the City of Seattle Municipal Code.

³ The allowable number of dwellings should be based on when the application for MUP was applied for. For application submissions initiated before April 19, 2019, the allowable number of dwellings per lot area will be less than application submissions initiated after April 19, 2019.

⁴ Assuming equitable 'Total Lot Size' without a lot segregation action or lot segregation policy applied. This will be the table-provided total lot size divided by the application-specific applicable allowed dwelling density.

⁵ Assuming equitable 'Total Lot Size' without a lot segregation action or lot segregation policy applied. This will be the table-provided total lot size divided by the proposed 1 dwelling for every 1,150 square feet of lot area.

RESPONSE No. 4 for Exhibit 9. Example Site Plan – 5030 & 5036 Sand Point Place

NE:

Repeat in a table format responses ‘a’ to ‘I’ as inquired for Exhibit 8.

RESPONSE No. 4 for Exhibit 10. Example Site Plan – 8322, 8236 & 8328 13th Ave

NW:

Repeat in a table format responses ‘a’ to ‘I’ as inquired for Exhibit 8.

RESPONSE No. 4 for Exhibit 11. Example Site Plan – 1716 & 1718 27th Ave:

Repeat in a table format responses ‘a’ to ‘I’ as inquired for Exhibit 8.

RESPONSE No. 4 for Exhibit 12. Example Site Plan – 3236 & 3238 14th Ave NW(?):

Repeat in a table format responses ‘a’ to ‘I’ as inquired for Exhibit 8.

RESPONSE No. 4 for Exhibit 13. Example Site Plan – 3408 & 3412 34th Ave W:

Repeat in a table format responses ‘a’ to ‘I’ as inquired for Exhibit 8.

INTERROGATORY NO. 5: For Core Document Exhibits 8, 9, 10, 11, and 12, the site plan only describes and demonstrates the rowhouse portion of the full development and does not show the number and site characteristics for the townhouses located behind the rowhouses as provided with the fully-described Exhibit 13. Exhibit 7 tabulates the missing information that should appear within the incomplete exhibits 8 through 12. For each of the exhibits 8 through 12, provide reason why only partial information has been provided or provide supplemental drawings to demonstrate the complete development to the five (5) examples.

RESPONSE:

1 **INTERROGATORY NO. 6:** Core Document Exhibit 7 and Exhibit 12 do not match for quantity
2 and address. Delineate the differences between these two exhibits and if a correction to a Core
3 Document is required.

4 **RESPONSE:**

5
6 **INTERROGATORY NO. 7:** Include Core Documents from the 2017 to 2019 Final
7 Environmental Impact Studies / Statement relative to the SEPA checklist for both the MHA-related
8 zoning modifications which increase dwelling size and density within LR-zoned lots; as well as
9 the Accessory Dwelling Unit modifications which resulted in reduced tree requirements within
10 Neighborhood Residential (formerly single-family) zoned properties. Describe the ways this
11 Determination considered the long-term cumulative impacts of reduced area of the tree canopy
12 comprehensively with the recent land-use decisions approved in 2019. Identify the names and
13 position and contact information for those individuals who have been directly involved in this
14 review.

15 **RESPONSE:**

16
17
18 **INTERROGATORY NO. 6:** The 2016 Tree Canopy Assessment provided by the University of
19 Vermont for the City of Seattle indicated a target of twenty percent of Seattle's tree canopy within
20 LR-zoned or multifamily residential properties. Describe how this determination has
21 accommodated 20-percent canopy cover while proposing the increased density within the LR-
22 zoned or multifamily residential properties. Identify the names and position and contact
23 information for those individuals who have been directly involved in this review.

1 **RESPONSE:**

2

3

4 **INTERROGATORY NO. 7:** How has the OPCD examined (along with SDCI and SPU) the

5 previously-approved (2019) increased density in low-rise residential and neighborhood residential

6 with up to three dwellings (including up to two ADU) translate into quantifiable sanitary sewer

7 and stormwater discharge demands within existing infrastructure located within the street and alley

8 right-of-way? How has OPCD assessed the increased density at full buildout of properties within

9 these zones to affect watersheds and salmon habitat? Has the reduction of on-site trees been

10 considered in qualifying stormwater discharge from properties within townhome and rowhouse

11 development zones?

12 **RESPONSE:**

13

14

15

16 **INTERROGATORY NO. 8:** Describe the community engagement process, time periods, means

17 of notice, record of attendance, and full record of responses that lead to the support and opposition

18 to this decision?

19 **RESPONSE:**

20

21

22

23

1 **REQUESTS FOR PRODUCTION**

2

3 **REQUEST FOR PRODUCTION NO. 1:** Produce all reports (including preliminary reports and

4 drafts) notes, memoranda, communications, and any other documents prepared by or for each

5 expert you identified in response to Interrogatory No. 1.

6 **RESPONSE:**

7

8 **REQUEST FOR PRODUCTION NO. 2:** Produce all reports (including preliminary reports and

9 drafts) notes, memoranda, communications, and any other documents prepared by or for each

10 expert you identified in response to Interrogatory No. 2

11 **RESPONSE:**

12

13 **REQUEST FOR PRODUCTION NO. 3:** Produce all documents provided to, reviewed, and/or

14 relied upon by each expert identified in response to Interrogatory No. 3.

15 **RESPONSE:**

16

17 **REQUEST FOR PRODUCTION NO. 4:** Produce all reports (including preliminary reports and

18 drafts) notes, memoranda, communications, and any other documents prepared by or for each

19 expert you identified in response to Interrogatory No. 4.

20 **RESPONSE:**

21

22

23

1 **REQUEST FOR PRODUCTION NO. 5:** Produce all reports (including preliminary reports and
2 drafts) notes, memoranda, communications, and any other documents prepared by or for each
3 expert you identified in response to Interrogatory No. 5.

4 **RESPONSE:**

5
6 **REQUEST FOR PRODUCTION NO. 6:** Produce all reports (including preliminary reports
7 and drafts) notes, memoranda, communications, and any other documents prepared by or for each
8 expert you identified in response to Interrogatory No. 6.

9 **RESPONSE:**

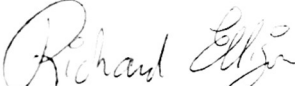
10
11 **REQUEST FOR PRODUCTION NO. 7:** Produce all reports (including preliminary reports and
12 drafts) notes, memoranda, communications, and any other documents prepared by or for each
13 expert you identified in response to Interrogatory No. 7.

14 **RESPONSE:**

15
16 **REQUEST FOR PRODUCTION NO. 8:** Produce all reports (including preliminary reports and
17 drafts) notes, memoranda, communications, and any other documents prepared by or for each
18 expert you identified in response to Interrogatory No. 8.

19 **RESPONSE:**

20
21 Signed this 14th day of January 2022 in Seattle, Washington.

22 
23 _____
Richard Ellison, appellant rep pro se

Certificate of Service

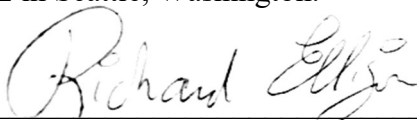
I certify that on this date, I electronically filed a copy of the foregoing document **APPELLANT'S INTERROGATORIES #1 AND REQUESTS FOR PRODUCTION** with the Seattle Hearing Examiner using its e-filing system in the matter of the Determination of Non-Significance issued by the Director, Office of Planning and Community Development, Hearing Examiner File No. W-21-007. I also certify that on this date, a copy of the same document was sent via email to the following parties:

Department:
Geoffrey Wentlandt
Office of Planning and Community Development
Email: geoffrey.wentlandt@seattle.gov

Department Legal Counsel:
Daniel Mitchell
Seattle City Attorney's Office
Email: daniel.mitchell@seattle.gov

Co-Appellant:
Ivy Durslag,
Greenwood Exceptional Trees,
512 N. 82nd Street Seattle, WA 98103
Email: ivyhaley@msn.com

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing statement is true and correct to the best of my knowledge and belief.
Signed this 14th day of January 2022 in Seattle, Washington.



Richard Ellison, appellant rep pro se