

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' REVISED REQUEST  
FOR SUBPOENAS of CITY OF  
SEATTLE STAFF

**Revision to Subpoena of Mentioned Parties**

Pursuant to Hearing Examiner Rules HER 3.12 'Subpoenas' and as advised by the Office of the Hearing Examiner, the Appellants represented by member Richard Ellison, the Chair of TreePAC Environmental Impact Review (TEIR) submit these revisions to the prior January 14, 2022 motion for subpoenas to City of Seattle staff. The names and relativity for those subpoenaed herein are from the Department's response to Interrogatory No. 1 that was issued by the Appellants to the City Attorney's Office also on January 14, 2022. Addresses and phone numbers for those subpoenaed (in addition to the e-mail addresses that have already been provided) have been requested by the appellant within the interrogatories and subsequent emailed requests to the Department. Only the attached excel spreadsheet has been provided to date without addresses and phone numbers.

As pro-se appellants, we respectfully ask for the Hearing Examiner to provide the subpoena for the parties identified thus far in order for each to provide testimony relative to exhibits that they will provide as requested and as relevant to their involvement in this citywide townhouse reform proposal.

The request to subpoena the Director of the Office of Planning and Community Development has already been denied on January 25, 2022 for reasons provided in the City's opposition. The appellant thereby withdraws that request. There are four (4) staff of the City that were included in the Department's response to the interrogatory no. 1, including the roles that they are associated with relative to this Office of Planning and Community Development (hereafter 'OPCD' or Department) action. One of the four has been identified by the Department to already be called as a witness for the Department. Outstanding are two interrogatories no. 7 and 8 that requested staff representation has not been responded to. Accordingly, this revised motion includes three (3) staff generated from interrogatory no. 1 for each their relevance noted below and one (1) staff identified

1 from a past public records request. The revised motion unfortunately, by no fault of the appellant  
2 team, may be absent staff names generated from unanswered interrogatories no. 7 and 8.

3 Parties to subpoena include the present or past Seattle Staff:

4 **Nicolas Welch** is last known to hold a position with the Office of Planning and Community  
5 Development, assumed location to serve is at 600 4th Ave, 5th Floor, Seattle, WA 98014, phone  
6 has not been provided under the interrogatory, email provided as [Nicolas.Welch@seattle.gov](mailto:Nicolas.Welch@seattle.gov).  
7 Their testimony is relevant as the person from the OPCD who contributed to the SEPA proposal  
8 following the GIS Analysis that Mr. Welch produced. Via the subpoena, they must produce the  
9 GIS Analysis documents referenced in the response to interrogatory no. 1. They will be asked to  
10 testify on matters relative to locations of where within the city the SEPA applies and their  
11 knowledge of access within the city to diverse and fair housing and possible locations of  
12 environmental injustice within Seattle's underserved multifamily neighborhoods. They may be  
13 asked about their understanding of the cumulative impacts of this appealed proposal in the context  
14 of the OPCD's prior Final Environmental Impact Statement regarding accessory dwelling units.

15 **Jennifer Pettyjohn** is assumed position to hold a position with the Office of Planning and  
16 Community Development, assumed location to serve is at 600 4th Ave, 5th Floor, Seattle, WA  
17 98014; phone has not been provided under the interrogatory, email provided as  
18 [Jennifer.Pettyjohn@seattle.gov](mailto:Jennifer.Pettyjohn@seattle.gov). Their testimony is relevant as the person from the OPCD who  
19 contributed to the SEPA proposal by providing the permit data to support the analysis. Via the  
20 subpoena, they must produce the permit data to support the analysis documents referenced in the  
21 response to interrogatory no. 1. They will be asked to testify on matters of permits of townhouse  
22 developments and the number of dwellings provided relative to lot size.

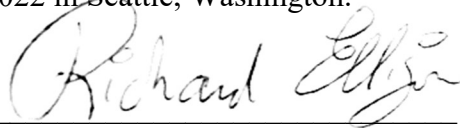
23 **Megan Neuman** is assumed to hold a position with the City of Seattle Department of Construction  
24 and Inspections with an assumed location to serve is the Municipal Tower, 700 Fifth Ave, 19<sup>th</sup>  
25 Floor, Seattle WA 98014; assumed phone number is (206) 684-3101, email provided as  
26 [Megan.Neuman@seattle.gov](mailto:Megan.Neuman@seattle.gov). Their testimony is relevant as the person from the OPCD who  
27 contributed to the SEPA proposal by provided background on existing development practices and  
28 potential development outcomes resulting from proposal. Via the subpoena, they must produce the  
existing development practices and potential development outcomes. Already identified by  
correspondence with Mr. Daniel Mitchell to be a witness for the Department, David VanSlike,  
Senior Land Use Planner, Policy & Technical Team, City of Seattle Department of Construction  
and Inspections, does not need to be subpoenaed.

From past public records request regarding Seattle tree loss, **Jacqueline Faith Ramos** is assumed  
to last hold a position with the Seattle Information Technology Department and formerly hold a  
multifamily zone tree loss assessment role with the Seattle Department of Construction and  
Inspections (circa 2017). They are assumed to be served at 700 5th Ave, Suite 2700, Seattle, WA,  
98104; the phone for the department is (206) 684-0600. Their testimony is relevant as the person  
from a city agency knowledgeable of the most recent Seattle Tree Canopy Assessment and its  
SEPA implications relative to plants within zones for townhouses.

1 As noted above, if the contact information should be different from those already identified above,  
2 forthcoming subpoena will be necessary after the Department responses to Interrogatory #7 which  
3 requested the names and contact information for the Department selection of the Core Documents.  
4 Likewise, a forthcoming subpoena is also requested based on the Department response to  
5 interrogatory #8 which asked for the names and contact information for the Seattle staff (present  
6 or past) who are aware of the content of the Seattle 2016 Tree Canopy Assessment (w-21-007  
7 appeal Exhibit 1).

8 By the rules of the Hearing Examiner, each of these subpoenas is for the purpose to require these  
9 persons to appear and testify at the hearing on February 28 through March 2, 2022. These persons  
10 are necessary to establish the rightfulness and relevance of the Appellant's appeal.

11 Signed this 7<sup>th</sup> day of February 2022 in Seattle, Washington.

12 

13 Richard Ellison, appellant rep pro se

1 **Original Subpoena of Mentioned Parties that has been amended above:**

2 Pursuant to Hearing Examiner Rules HER 3.12 Subpoenas, Richard Ellison, Vice  
3 President of TreePAC and Chair of TreePAC Environmental Impact Review (TEIR)  
4 hereafter the 'Appellant', respectfully requests to subpoena identified herein. The  
5 objective is to provide testimony relative to City Core Document exhibits received and  
6 pending relative to Appellant Interrogatories 1 to 8. Following the City's response to  
7 Discovery requested this day, January 14, 2022, this request for a subpoena will the  
8 person's name and address, and relevance of that person's testimony, and demonstrates  
9 the reasonableness of the scope of the subpoena sought. This request may include from  
10 those listed within the subpoena for evidence to be produced if relevant to the matter of  
11 the subpoenaed to the issues on appeal and the reasonableness thereof.  
12

13 It is assumed, unless objected to and sustained by the Deputy Hearing Examiner  
14 (hereafter "Examiner"), that Brennon Staley and Geoffrey Wentlandt of the Office of  
15 Planning and Community Development, are already Parties to the appeal and they will be  
16 asked to testify without the need for a subpoena.  
17

18 The Appellants reserve the right to withdraw one or more subpoenas if the Applicant or  
19 Department also intends on using any of these parties or entity representatives within  
20 their testimony.  
21

22 As TreePAC Environmental Impact Review (TEIR) are an Appellant *pro se*, we  
23 respectfully ask for the Office of Hearing Examiner to prepare several subpoenas relative  
24 to testimony and evidence in the case. Henceforth, the Appellant is requesting the  
25 subpoenas to the following individuals to testify and provide or review evidence for those  
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27  
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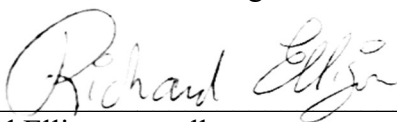
1 materials that they have knowledge. This list will be formalized within two working days  
2 from the receipt of a response to our Interrogatory No 1 submitted this day.

3 In addition, we request the subpoena of  
4

- 5 1. Director of the Seattle Office of Planning and Community Development, Seattle  
6 Municipal Tower at 700 Fifth Ave. Testify: The Director will be asked to clarify,  
7 as the Department's Director, the undocumented policy of using lot segregation  
8 practices to circumvent density limits and rowhouse development rules for this  
9 decision's Core Documents assumptions in contrast with SMC 23.84A.032(R),  
10 and other variances from the Subdivision requirements of Chapter 23.24, 23.45,  
11 23.53, and related code sections. Expected testimony duration of 45 minutes.  
12

13 By the rules of the Hearing Examiner, each of these subpoenas is for the purpose to require these  
14 persons to appear and testify at the hearing on February 28 through March 2, 2022. The  
15 Appellant will ask questions of each person relative to the adequacy of their assessment behind  
16 the decisions made. These persons are necessary to establish the rightfulness and relevance of the  
17 Appellant's appeal.  
18

19  
20  
21 Signed this 1<sup>ST</sup> day of February 2022 in Seattle, Washington.  
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23   
24 Richard Ellison, appellant rep pro se  
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## Certificate of Service

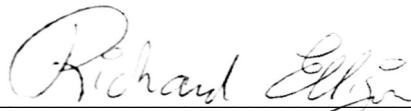
I, Richard Ellison, certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies, via e-mail, of the **Appellant's Revised Request for Subpoenas** to the person listed below, in the matter of the Determination of Non-Significance issued by 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](mailto:geoffrey.wentlandt@seattle.gov)

Department Legal Counsel:  
Daniel Mitchell  
Seattle City Attorney's Office  
Email: [daniel.mitchell@seattle.gov](mailto:daniel.mitchell@seattle.gov)

Co-Appellant:  
Ivy Durslag  
Greenwood Exceptional Trees  
512 N. 82nd Street Seattle, WA 98103  
Email: [ivyhaley@msn.com](mailto: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 7th day of February 2022 in Seattle, Washington.



Richard Ellison, appellant rep pro se

Name	Email	Aspects of the Decision
Nick Welch	<a href="mailto:Nicolas.Welch@seattle.gov">Nicolas.Welch@seattle.gov</a>	Produced the GIS Analysis
Jennifer Pettyjohn	<a href="mailto:Jennifer.Pettyjohn@seattle.gov">Jennifer.Pettyjohn@seattle.gov</a>	Provided permit data to support analysis
Megan Neuman	Megan.Neuman@seattle.gov	Provided background on existing development practice
David VanSike	David.VanSike@seattle.gov	Provided background on existing development practice

risks and potential development outcomes resulting from proposal  
risks and potential development outcomes resulting from proposal