

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).

FINAL APPELLANTS' LIST OF
EXHIBITS

Following the hearings between February 28 and March 2, 2022, the Appellant's final list of exhibits include the following exhibits, and common access and acknowledged documents:

APPELLANT EXHIBIT LIST

A. The final list of exhibits from the Appellant includes the following:

Appellant Exhibit # : Description

Appellant Exhibit 1: [2016 Seattle Tree Canopy Assessment](#)

Appellant Exhibit 2: [Exhibit - Seattle's LR MF Zones, Jan 2016](#)

Appellant Exhibit 3: [Exhibit - Seattle LR MF Zones, Feb 2020](#)

Appellant Exhibit 4: "Lowrise Multifamily Code Updates: Balancing Design and Density".

Appellant Exhibit 5: Vehicle Access Easement Standards, SDCI Multifamily LR

Appellant Exhibit 6 Seattle Ordinance 123495 dated December 20, 2010 (pages 1 -40)

Appellant Exhibit 7: "Modeling Urban Impervious Surface Areas in Relation to Urban Heat Island Effects - Research for a Sustainable World"

Appellant Exhibit 8: "Correlations of Stormwater Runoff and Quality: Urban Pavement and Property Value by Land Use at the Parcel Level in a Small Sized American City"

Appellant Exhibit 9: Annotated [SEPA Checklist](#) (posted with appeal)

FINAL APPELLANT'S
EXHIBITS LIST

1 Appellant Exhibit 10: “The Benefits and Limits of Urban Tree Planting for Environmental and
2 Human Health”
3 Appellant Exhibit 11: Beacon Hill Anti-Displacement Survey
4 Appellant Exhibit 12: “YIM 1 and YIM 2” Clarify Washington Regulatory Takings
5 Appellant Exhibit 13: OPCD 2018 Community Planning Prioritization (p 1-4, 28-31)
6 Appellant Exhibit 14: Seattle Hearing Examiner decision ADU DNS from W-16-004.
7 Appellant Exhibit 15: Lot Coverage Assessment TEIR Alternatives to OPCD notice
8 Appellant Exhibit 15A: Street Trees Only Alternatives to on-site canopy
9 Appellant Exhibit 16: 25.05.926 - Lead agency for governmental proposals and SMC 25.05.670
10 Cumulative effects policy
11 Appellant Exhibit 17: Market Rate Housing Needs and Supply Analysis , BERK 2021
12 Appellant Exhibit 18: OPCD Housing Choice Public Engagement Summary, January 2020
13 Appellant Exhibit 19: LR1 zone case study: 2213NW 63rd St., Seattle, WA
14 Appellant Exhibit 19B: LR1 zone case study: 2045 NW 63rd St., Seattle, WA
15 Appellant Exhibits 20: Expanded information on the OPCD's Core Document Exhibit #7.
16 Appellant Exhibits 21A-D: Before and After Images of City Core Document Examples
17 Appellant Exhibits 22: Eleven (11) examples at Greenwood and Phinney neighborhood
18 Appellant Exhibits 23: Core document trees removed within LR-zoned (2019) Whittier
19 developments site including 8326 13th NW; 8318 13th NW, 8340 13th NW, and 8344 13th NW.
20 Appellant Exhibit 24: City of Seattle, Proposal Summary Townhouse Reforms, Nov 2021
21 Appellant Exhibit 25: Nicolas Welch conversation with OPCD staff about trees
22 Appellant Exhibits 26: June Establishment of Seattle’s Urban Forestry Commission
23 Appellant Exhibit 27: Beacon Hill neighborhood stats
24 Appellant Exhibit 28: Clean Heat
25 Appellant Example 29: Beacon Hill Survey Results
Appellant Example 30: Maria Batayola Profile CV
Appellant Exhibit 31: Martin Kaplan, Architect Profile CV
Appellant Exhibit 32: David Moehring, Architect Profile CV

Appellant Exhibit 33: William Lider, Engineer CV

Appellant Exhibit 34: Michael Oxman Profile CV

Appellant Exhibit 35: Brian Derdowski Profile CV

Appellant Exhibit 36: Kathleen Wolf Profile CV

Appellant Exhibit 37: Urban Trees and Human Health: A Scoping Review

Appellant Exhibit 38: The Urban Forest and Ecosystem Services: Impacts on Urban Water, Heat, and Pollution Cycles at the Tree, Street, and City Scale

Appellant Exhibit 39: Trees Grow on Money: Urban Tree Canopy Cover/ Environmental Justice

Appellant Exhibit 40: A Conceptual Typology of Practical Design Interventions to Integrate Health and Climate Resilience Co-Benefits

Appellant Exhibit 41: Declaration of Tina Cohen, retired arborist

Appellant Exhibit 42: Declaration of Robert and Mary Jean Gilman, Seattle residents

Appellant Exhibit 43: Declarations of Penny Griffen, Whittier trees

Appellant Exhibit 44: Declaration of David Moehring, 6407 Carleton

Appellant Exhibit 45: Declaration of Suzanne Grant, 2813 4th Ave W

Appellant Exhibit 46: Declaration of Woodrow Wheeler, wildlife biology

Appellant Exhibit 47: Woodrow Wheeler Profile CV

Appellant Exhibit 48: Declaration of Marina Lamps Alvarez

Appellant Exhibit 49: Moehring Declaration – Seattle LR zoning maps

Appellant Exhibit 50: SMC 25.05.340 - Determination of nonsignificance (DNS)

Appellant Exhibit 51: Richard Ellison Profile CV

Appellant Exhibit 52: Department Responses to Interrogatories 1 to 10 (with ‘COS’ number)

Appellant Exhibit 53: Notes SEPA Analysis Townhouse Reform Legislat. COS0004611

Appellant Exhibit 54: LR1 density analysis COS0004224

Appellant Exhibit 55A: Townhouse Reforms Goal and Principles COS0000004

Appellant Exhibit 55B: Lowrise 1 Density Limit COS0000609

Appellant Exhibit 56A: Townhouse Reforms Next Steps COS0000007

Appellant Exhibit 56B: Check-in and Engagement COS0004290

1	Appellant Exhibit 56C: Project Schedule	COS0000006
2	Appellant Exhibit 57A: Townhouse Data	COS0004353
3	Appellant Exhibit 57B: Townhouse Data memo	COS0004347
4	Appellant Exhibit 58A: Presentation to Executive Team	COS0004426
5	Appellant Exhibit 58B: Letter to Mayor 10/13/2021	COS0004420
6	Appellant Exhibit 59 Summary and Fiscal Note	COS0000529
7	Appellant Exhibit 60: Attachment A 9/3/2019 Advisory Council	COS0003950
8	Appellant Exhibit 61: LR1 Layouts Study	COS0000562
9	Appellant Exhibit 62: <i>not used</i>	
10	Appellant Exhibit 63: City Townhouse Dwelling Count Calculations	COS0000586
11	Appellant Exhibit 64: City Townhouse Value Calculations per Sq. Ft	COS0000589
12	Appellant Exhibit 65: Seattle Street and property utility map in LR1 zone example	
13	Appellant Exhibit 66: Declaration of William Lider, Engineer	
14	Appellant Exhibit 67: King County Capacity Charge Residential Sewer Use	
15	Appellant Exhibit 68: Seattle i-Tree	
16	Appellant Exhibit 69: <i>not used</i>	
17	Appellant Exhibits 70 to 76R: City discovery tree assessment via October 2019 public records request (14 documents and presentations)	
18	Appellant Exhibit 70: J. Faith Ramos Public Records List (1 of 3)	
19	Appellant Exhibit 71: Tree Protection per SMC Title 23 and SMC 25	
20	Appellant Exhibit 72: Phase One Site samples Low-rise Tree Protection	
21	Appellant Exhibit 72R: Tree regulations products planting, protection (email cover)	
22	Appellant Exhibit 73: Tree Research March 2017	
23	Appellant Exhibit 73R: Notes from 2/15/2017 and Agenda for Final (email cover)	
24	Appellant Exhibit 73RR: Shauna would like to review PPT to share (email cover)	
25	Appellant Exhibit 73S: Slides only of Tree Research March 2017	
	Appellant Exhibit 74: Final Report Tree regulations Research Project	
	Appellant Exhibit 74RR : 2017 follow-up on 2009 Tree Audit	














1 Appellant Exhibit 74RR: Tree Regulations final report (email cover)
2 Appellant Exhibit 75: 021517 Notes Final
3 Appellant Exhibit 76: 2013-2014 Tree Benefits Map
4 Appellant Exhibit 76R: New trees planted in 2014 by Council District
5 Appellant Exhibit 77: Seattle Times Article “*Bills Would Allow Denser Housing in Single-
6 Family Neighborhoods*” and Map graphic, Heidi Groover, published February 1 and 2, 2022.
7 Appellant Exhibit 78: Compiled documents from public access SDCI Electronic Document
8 Management System for City Exhibit No. 9. (reference source links in part B item 9 below.)
9 Appellant Exhibit 79: Illustrative images of 2300 W Emerson Street and 3015 30th Ave W

10 **B. Included are the applicable documents without copy are the following commonly
11 acknowledged sources of witness testimony:**












- 12 1. State Environmental Policy Act Handbook, Washington State Department of Ecology;
- 13 2. SEPA Training Session Four: “Non-project SEPA, phased review, adopting existing
14 documents”;
- 15 3. Urban Forestry Stewardship Plan 2013 (pages 1, 8-25, 29-33, 37-40, 53, 60-63, and 73 of
16 original 79-page document);
- 17 4. Urban Bird Treaty letter (adopted June 7, 2017);
- 18 5. Seattle Fire Code as amended;
- 19 6. All SDCI Director’s Rule including 7-2018 (pages 1-6), Rule 6-2001 and Rule 16-2008
- 20 7. CDC website: “Health Effects of Gentrification” including linked documents
21 <https://www.cdc.gov/healthypaces/healthtopics/gentrification.htm>;
- 22 8. State of Washington Case No. 19-2-0002c before the Growth Management Hearings Board
23 Western Washington Region; the ‘Order Denying Motion to Dismiss, Allowing Supplementation
24 of the Record, Granting Summary Judgement, and Deferring Consideration of Invalidity’ dated
25 29th day of March 2019. Petitioners Olympians for Smart Development & Living
Neighborhoods, et. Al.. It is included as a supplemental exhibit appeal #80 for reference only.

9. As requested from the representative of the Office of Planning and Community Development, we are also including the applicable self-discovered documents (without copy) from the SDCI

Document Management System documents relative to City Exhibit 9:

name	Location
 5034 Sand Point PI NE_Lot 2_190327_SSScalcs_s1903007.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=4513427
 SDCI33_RecordSnapShotReport_20200812_185553.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=5777360
 5030 Sandpoint PI NE_BLDG INTAKE SET.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=4513299
 5030 Sand Point PI NE_190401_SSSCalcs_s1903006.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=4513304
 5030_CONTRACTOR SIGNED.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=4513307
 5030 Sandpoint PI NE Tree Inventory-1-1.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=4517367
 OSM AS Built 5032 5034 Sand Point PL.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=7078821
 3036970-LU KC plat.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=7112163
 3033975-LU Stamped.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=5875653
 3033975-LU & 6716165-CN Vesting Confirmation.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=5024339
 5030 Sandpoint PI NE_SEPA INTAKE SET.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=4517267
 5030 Sandpoint PI NE Tree Inventory-1.pdf	https://web6.seattle.gov/dpd/edms/GetDocument.aspx?id=4517272
 Permit and Property Records - Seattle Department of Construction and I...	https://web6.seattle.gov/dpd/edms/

The above screenshot is of documents searched from the SDCI Electronic Document Management System, and repeated below are the same files displayed with file size and active links to these documents.

 5034 Sand Point PI NE_Lot 2_190327_SSScalcs_s1903007.pdf 3.4 MB — seattle.gov — Wednesday	5034 Sand Point PI NE_Lot 2_190327_SSScalcs_s1903007.pdf
 SDCI33_RecordSnapShotReport_20200812_185553.pdf 212 KB — seattle.gov — Wednesday	SDCI33_RecordSnapShotReport_20200812_185553.pdf
 5030 Sandpoint PI NE_BLDG INTAKE SET-1.pdf 13.7 MB — seattle.gov — Wednesday	5030 Sandpoint PI NE_BLDG INTAKE SET.pdf
 5030 Sand Point PI NE_190401_SSSCalcs_s1903006.pdf 13.5 MB — seattle.gov — Wednesday	5030 Sand Point PI NE_190401_SSSCalcs_s1903006.pdf
 5030_CONTRACTOR SIGNED.pdf 4.2 MB — seattle.gov — Wednesday	5030_CONTRACTOR SIGNED.pdf
 5030 Sandpoint PI NE Tree Inventory-1-1.pdf 681 KB — seattle.gov — Wednesday	5030 Sandpoint PI NE Tree Inventory-1.pdf
 OSM AS Built 5032 5034 Sand Point PL.pdf 6.5 MB — seattle.gov — Wednesday	OSM AS Built 5032 5034 Sand Point PL.pdf
 3036970-LU KC plat.pdf 1.5 MB — seattle.gov — Wednesday	3036970-LU KC plat.pdf
 3033975-LU Stamped-2.pdf 10.9 MB — seattle.gov — Wednesday	3033975-LU Stamped.pdf
 3033975-LU & 6716165-CN Vesting Confirmation.pdf 105 KB — seattle.gov — Wednesday	3033975-LU & 6716165-CN Vesting Confirmation.pdf
 5030 Sandpoint PI NE_SEPA INTAKE SET.pdf 4.8 MB — seattle.gov — Wednesday	5030 Sandpoint PI NE_SEPA INTAKE SET.pdf

10. Lastly, as also inquired by the representative of the Office of Planning and Community Development during the cross examination of expert witness William Lidar, we are also including the supplemental exhibit appeal #81 for reference only a calculation and assessment to the testified creek impacting 8215 Greenwood Ave N Combined and 8775 Phinney Ave N separated sanitary storm including written declaration.

C. Common access documents:

1. [Seattle 2035 Comprehensive Plan](#) Managing Growth to Become an Equitable and Sustainable City 2015–2035, pp. 33-34, 47, 121, 133 and p. 389.
2. Seattle Municipal Code (SMC) Chapters 23.24 Shorts Plats and 23.28 Lot Boundary Adjustments
3. Full development site plans for the City’s Core Exhibits 8 to 13 that the Department reported to be available to Appellant through the public portal available online. As referenced by the Interrogatory Response No. 4, these full sets are referenced as evidence to the matter of scope of environmental impact within these six department-provided examples. ¹

COS0001624	40	1718 27th Ave Plan Set.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0001664	48	3238 14TH AVE W Plan Set - Parcel B.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0001712	70	8324 13th Ave NW Plan Set.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0001782	21	704 W Bertona St Plan Set.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0001803	78	8328 13th Ave NW Plan Set.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0001881	44	3408 34th Ave W Plan Set.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0001925	27	5034 Sand Point PI NE Plan Set - Parcel B.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0001952	33	3412 34th Ave W Plan Set.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0001985	37	1716 27th Ave Plan Set.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0002022	44	3236 14TH AVE W Plan Set - Parcel A.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0002066	19	5032 Sand Point PI NE Plan Set - Parcel A.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0002085	23	712 W Bertona St Plan Set.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets
COS0002108	70	8326 13th Ave NW Plan Set.pdf	Portable Document Format	/RFP 4 & 5 - Plan Sets

4. In context to fully understand the difference between the proposed Department Townhouse Reform Action and the recent 2019 SEPA determinations (without

¹ Department response to the Remainder of Interrogatory No. 4 states “In its exhibits OPCD previously provided to Appellant excerpts of plan sets focused on information it considered most relevant. OPCD objects to Appellants’ Interrogatory No. 4 as overly burdensome. The full plan sets have been available to Appellant through the public portal available online. Notwithstanding the objection, in response to this interrogatory, OPCD is now providing full and complete plan sets for each of Exhibits 8 – 14, which contain the information requested to the extent it is available.”

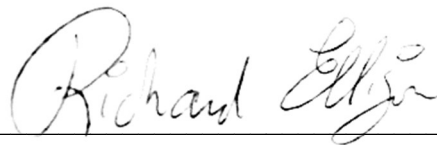
(continued)

challenging or judgement to past determinations), the public access documents associated with Citywide MHA implementation and Accessory Dwelling Unit regulations are to be referenced. The Final Environmental Impact Statements can be found at the following public documents / links:

- i. Compiled_MHA_FEIS_2017.pdf (seattle.gov)²
- ii. MAIN_ADU_FEIS_2018.pdf (seattle.gov)³

Not listed herein, all relative sections of the Seattle Municipal Code (hereafter “SMC”) Land Use Title 23 and Environmental Title 25 will be included within the Appellant’s arguments. Also not included with the list herein, but will be referenced in the appeal hearing, are all relative documents available specifically for this decision with the Notice by the Seattle Office of Planning and Community Development (hereafter the “OCPD” or the Department). Outside of the City’s fourteen (14) core documents served to the Appellant on January 10th, City records prepared past the date of the December 6, 2021 appeal – including City Exhibits 19 and 20 - should not be included within the record.

Signed this 6th day of March 2022 in Seattle, Washington.



Richard Ellis, Appellant Representative pro se

² Link to 2019 approved MHA FEIS p. 3.315 – 3.332 3.315-3.342
https://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/Compiled_MHA_FEIS_2017.pdf

³ Link https://www.seattle.gov/Documents/Departments/Council/MAIN_ADU_FEIS_2018.pdf of the 2019 approved ADU FEIS, pp 3.31, 3.35, 4.52 to 4.55, 4.62-4.76, 4.92, 41.59, 5.14-5.15.

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 Amended Witness & Exhibit's List** 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

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 6th day of March 2022 in Seattle, Washington.



Richard Ellison, appellant representative pro se