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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of  
AVALON BAY COMMUNITIES, INC.  
THE RICHMARK COMPANY  
From a Determination of Nonsignificance issued  
by the Director, Department of Planning and  
Development.

Hearing Examiner File Nos.  
W-13-005  
W-13-006  
  
AVALONBAY'S PRELIMINARY  
WITNESS AND EXHIBIT LIST

AvalonBay Communities, Inc. ("AvalonBay") submits the following preliminary list of witnesses and exhibits. AvalonBay reserves the right to call additional witnesses and introduce additional exhibits in response to evidence introduced by the City of Seattle ("City") or The Richmark Company ("Richmark").

PRELIMINARY EXHIBIT LIST

1. Proposed Land Use Code Amendments Related to the Pike/Pine Overlay District, dated June 20, 2013.
2. DPD Staff Report, Proposal to Amend the Pike/Pine Conservation Overlay District, dated June 20, 2013.
3. City of Seattle Analysis and Decision of the Director of the Department of

1 Planning and Development, Amendments to the Pike/Pine Conservation Overlay District (23.73)  
2 in the Land Use Code, issued June 18, 2013.

3 4. City of Seattle Environmental Checklist, 2013 Amendments to the Pike/Pine  
4 Conservation Overlay District, dated June 17, 2013.

5 5. Report by Matthew Gardner, Gardner Economics LLC.

6 6. Report by Robert Thorpe, R.W. Thorpe & Associates, Inc.

7 7. Renderings produced by Ankrom Moisan Architects, Inc.

8 8. Documents produced by the City under the Public Records Act.

9 9. Exhibits listed on the preliminary and final exhibit lists of the City and Richmark.

10 10. Exhibits responsive to evidence introduced by the City and Richmark.

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13 PRELIMINARY WITNESS LIST

14 1. Ankrom Moisan Architects. Ankrom Moisan is an architecture firm founded in  
15 1983 that provides integrated architectural design services to its clients. It is a national firm with  
16 150 staff members and offices in Portland and Seattle. Its portfolio includes mixed-use housing,  
17 condominiums, apartments, student housing, offices, hospitality and retail. Ankrom Moisan is  
18 the lead architect on AvalonBay's proposed development project located at 600 East Pike Street  
19 and will testify about the proposal's impact on the current project design and on other  
20 undeveloped sites in the Pike-Pine Overlay area. Ankrom Moisan's testimony is expected to be  
21 one hour, exclusive of cross examination and redirect examination.

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23 2. Matthew Gardner, Gardner Economics LLC. Mr. Gardner will testify as an  
24 expert witness. He is a land use economist with more than 25 years of experience and deep  
25 knowledge of economic conditions in the Seattle area. Mr. Gardner will testify regarding the  
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1 proposal's impact on the built environment, land use, relationship to existing land use plans and  
2 aesthetics, including impacts to these elements of the environment resulting from economic  
3 effects of the proposal. AvalonBay expects the duration of Mr. Gardner's testimony to be two  
4 hours, exclusive of cross examination and redirect examination.

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6 3. Robert Thorpe, AICP, R.W. Thorpe & Associates, Inc.. Mr. Thorpe will testify as  
7 an expert witness. He is a certified planner with more than 40 years of experience, including  
8 serving as the State Environmental Policy Act ("SEPA") responsible official for several  
9 communities. Mr. Thorpe will testify regarding the proposal's impact on the built environment,  
10 land use, relationship to existing land use plans and aesthetics, including the proposal's  
11 inconsistency with existing plans and policies, and regarding the requirement that a  
12 determination of nonsignificance ("DNS") must be based on information reasonably sufficient to  
13 evaluate the environmental impact of a proposal. AvalonBay expects the duration of Mr.  
14 Thorpe's testimony to be two hours, exclusive of cross examination and redirect examination.

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16 4. Derek Bottles. Mr. Bottles is Development Director for appellant AvalonBay  
17 Communities. He will testify regarding the proposal's impact on the built environment, land use,  
18 relationship to existing land use plans and aesthetics, including the proposal's impact on his  
19 property. Mr. Bottles' testimony is expected to be one hour, exclusive of cross examination and  
20 redirect examination.

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22 5. Additional property owners affected by the proposal. They will testify regarding  
23 the proposal's impact on the built environment, land use, relationship to existing land use plans  
24 and aesthetics, including the proposal's impact on their property. AvalonBay expects the  
25 duration of each of their testimony to be one hour, exclusive of cross examination and redirect  
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1 examination.

2 5. City staff involved in the environmental review of the proposal. These staff  
3 members include, but are not limited to:

4 a. Rebecca Herzfeld, Council Central Staff. Ms. Hersfeld prepared the  
5 SEPA checklist for the proposal. She will testify regarding the environmental checklist.  
6 AvalonBay expects the duration of Ms. Hersfeld's testimony to be one hour, exclusive of cross  
7 examination and redirect examination.  
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9 b. Dennis Meier, Land Use Planner. Mr. Meier participated in development  
10 of the proposal. He will testify regarding these actions. AvalonBay expects the duration of Mr.  
11 Meier's testimony to be one hour, exclusive of cross examination and redirect examination.  
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13 d. Additional City staff identified in documents produced by the City under  
14 the Public Records Act.

15 6. Witnesses listed on the preliminary and final witness lists of the City and  
16 Richmark.

17 7. Witnesses in rebuttal to evidence introduced by the City and Richmark.

18 DATED this 8<sup>th</sup> day of November, 2013  
19

20 MCCULLOUGH HILL LEARY, P.S.

21  
22 By: 

23 Jack McCullough, WSBA #12740  
24 Courtney Flora, WSBA #29847  
25 Attorneys for Appellant  
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