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BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeals of:  
  
AVALONBAY COMMUNITIES, INC.  
THE RICHMARK COMPANY  
  
from a decision by the Director, Department  
of Planning and Development, regarding  
SEPA.

Hearing Examiner Files:  
  
W-13-005  
W-13-006  
  
RICHMARK'S PRELIMINARY  
WITNESS AND EXHIBIT LIST

The Richmark Company submits the following preliminary list of witnesses and exhibits,  
subject to revision naming additional witnesses and identification of additional exhibits  
following review of responses to discovery requests by Respondent City of Seattle ("City") and  
Appellant AvalonBay Communities, Inc. ("AvalonBay"):

**PRELIMINARY WITNESSES:**

1. William Donner, President, Richmark Label. Mr. Donner is owner and  
president of the Richmark Company, a family-owned and operated business located at 1110 E.  
Pine, Seattle, where Mr. Donner has been employed since the 1970's. Mr. Donner will testify  
about the land use patterns in the Pike/Pine neighborhood and the proposal's impact on the  
built and natural environment, including the property at 1110 E. Pine, Seattle; land use

1 patterns and aesthetics; and the economic effects of the proposal. Mr. Donner's direct  
2 testimony is expected to last up to two hours.

3 2. Ron Leibsohn. Mr. Leibsohn is CEO and Managing Broker of Leibsohn &  
4 Company Commercial Real Estate Services. Mr. Leibsohn has been involved in commercial  
5 real estate for over forty years serving developers, institutional and individual investors;  
6 providing property and asset management; and brokerage experience including tenant  
7 representation, owner representation, site search, disposition, multi-facility representation and  
8 build-to-suite acquisition. Mr. Leibsohn will testify regarding the land use patterns in the  
9 Pike/Pine neighborhood; recent projects under development, under contract and /or sold there  
10 since 2011; and current and estimated 2016 demographics profile of the Pike/Pine Overlay  
11 District, as well as the proposal's economic effects. Mr. Leibsohn's direct testimony is  
12 expected to last up to one hour.

13 3. Dennis C. Meier, Strategic Advisor and Land Use Planner, DPD, City of  
14 Seattle. Mr. Meier participated in the development of the proposal, and the Analysis and  
15 Decision of the Director in response to receipt and review of the Environmental Checklist. He  
16 will testify regarding the development of and contributing analysis of the proposal's staff  
17 report, SEPA Environmental Checklist and Analysis and Decision of the Director and 1. His  
18 direct testimony is expected to be one hour.

19 4. Rebecca Herzfeld, Council Central Staff, DPD, City of Seattle. Ms. Herzfeld  
20 participated in and will testify regarding the development of and analysis contained in the  
21 proposal's staff report, SEPA environmental checklist and the proposal itself. Ms. Herzfeld's  
22 direct testimony is expected to last up to one hour.

23 5. Kjrystine Lund, Lund Consulting, Inc., consultant to City of Seattle. Ms. Lund  
24 is a contracted consultant to the City of Seattle responsible for developing a neighborhood  
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1 preservation strategy for the City of Seattle with a focus on the Pike/Pine neighborhood as a  
2 pilot. Ms. Lund's direct testimony is expected to last up to one hour.

3 6. Other witnesses as determined after receipt of information provided in response  
4 to discovery requests promulgated to the City and AvalonBay.

5 7. Witnesses listed on the preliminary and final witness lists of the City and  
6 AvalonBay.

7 8. Witnesses in rebuttal to evidence introduced by the City and AvalonBay.  
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10 **PRELIMINARY EXHIBITS:**

11 1. Environmental Checklist dated June 17, 2013, including all drafts and final  
12 thereof.

13 2. Analysis and Decision of the Director dated June 18, 2013 and all drafts  
14 thereof.

15 3. Staff Report dated June 20, 2013 re Proposal to amend the Pike/Pine  
16 Conservation Overlay District and draft staff reports prepared by City prior to June 20, 2013  
17 version.

18 4. Pike-Pine Overlay District Revisions ordinance (no number or bill numbers  
19 assigned) version 18 dated 6/20/13 and all seventeen prior drafts.

20 5. Notice of Proposed Land Use Code Text Amendment and Determination of  
21 Non-Significance dated June 20, 2013.  
22

23 6. Preliminary Valuation of Richmark Printing Property at 1110 East Pine Street,  
24 Seattle, WA 98112 prepared by Leibsohn & Company Commercial Real Estate Services.  
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1           7.       Other exhibits as determined after review of responses by the City and  
2 AvalonBay to discovery requests, including without limit:

3           a.           Information and analyses used or generated by the City in evaluating  
4 effects of proposed amendments on the Richmark property;

5           b.           Information and analyses used or generated by the City in evaluating the  
6 environmental effects of the proposed amendments;

7           c.           Information and analyses generated or used by expert witness(es) yet to  
8 be identified;

9           d.           Information regarding the property maintained by and obtained from the  
10 King County Assessor's Office;

11          e.           Sarah Kogel-Smucker, *Zoning Out: State Enterprise Zones' Impact on*  
12 *Sprawl, Job Creation, and Environment*, 35 B.C. Env'tl. Aff. L. Rev. 111 (2008);

13          f.           Lin Robinson, et. al., *Twenty-five Years of Sprawl in the Seattle Region:*  
14 *Growth Management Responses and Implications for Conservation*, 71 Landscape and Urban  
15 Planning 51 (2005);

16          g.           Morgan E. Rog, *Highway to the Danger Zone: Urban Sprawl, Land*  
17 *Use, and the Environment*, 22 Geo. Int'l Env'tl. L. Rev. 707 (2009-10).

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19           Appellant Richmark requests that the Hearing Examiner take notice of relevant  
20 documents adopted and approved by the city, including but not limited to the Comprehensive  
21 Plan, the Pike/Pine Urban Center Village Final Neighborhood Plan and City-adopted  
22 Pike/Pine Design Guidelines. In addition, Appellant Richmark reserves the right to bring  
23 additional witnesses and submit additional exhibits pursuant to the Third Stipulated Prehearing  
24 Schedule and Hearing Dates in response to the disclosure of information requested from the  
25 City pursuant to discovery requests and as needed for purposes of rebuttal or to otherwise  
26 clarify the record at hearing.

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DATED: November 8, 2013.

STOEL RIVES LLP



Erin L. Anderson, WSBA No. 23282  
elanderson@stoel.com

Attorneys for The Richmark Company

1 **CERTIFICATE OF SERVICE**

2 I certify that on this date, I electronically filed a copy of Notice of Appearance of  
3 Additional Counsel with the Seattle Hearing Examiner using its e-filing system.

4 I also certify that on this date, a copy of the same document was sent to the following  
5 parties listed below via email:

6 Patrick Downs  
Email: [patrick.downs@seattle.gov](mailto:patrick.downs@seattle.gov)  
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20 The foregoing being the last known email addresses of the above-named parties.

21 DATED this 8th day of November, 2013, at Seattle, Washington.

22   
23 MICHELE BRANDON