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BEFORE THE CITY OF SEATTLE
OFFICE OF HEARING EXAMINER

9 NEIGHBORS ENCOURAGING REASONABLE
10 DEVELOPMENT,

11 Appellant,

12 v.

13 DIRECTOR, SEATTLE DEPARTMENT OF
14 PLANNING AND DEVELOPMENT, and

15 RADIM BLAZEJ,

16 Respondents.
17

Hearing Examiner File No. MUP-14-006
(DR,W)
S-14-001

(DPD Application No. 3013303)

**APPELLANT NEIGHBORS
ENCOURAGING REASONABLE
DEVELOPMENT'S WITNESS AND
EXHIBIT LIST**

18 PURSUANT to the Corrected Order Amending Case Schedule and Continuing
19 Hearing dated July 24, 2014 in this appeal, Appellant Neighbors Encouraging Reasonable
20 Development ("NERD") submits the following lists of witnesses and exhibits.

21 **I. WITNESSES THAT MAY BE CALLED BY APPELLANT**

- 22 1. Paul Haury
23 4115 32nd Avenue SW
24 Seattle, WA 98126
(206) 714-6113

25 Paul Haury resides at 4115 32nd Avenue SW, Seattle Washington, in the
26 single family neighborhood adjacent to the subject project and is an officer in the
appellant. He is expected to testify concerning the project, priority public concerns,
and the Design Review and MUP processes.

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2. Charles H. Burkhalter, Jr.
4031 32nd Avenue SW
Seattle, WA 98126
(206) 295-0881

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Charles Burkhalter is a resident of the single family neighborhood adjacent to the subject project and a certified public accountant. He is expected to testify concerning priority public concerns raised throughout the Design Review and MUP process including parking utilization and transit numbers he has collected. Mr. Burkhalter's CV is attached and will be made an exhibit.

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3. Thomas Eanes
2600 2nd Avenue #516
Seattle, WA 98121
(206) 715-3915

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Mr. Eanes is an architect, testifying pro bono. He is expected to address the origin of the current Code method of height measurement and its implications for projects at an abrupt zoning (edge) change, alternatives responsive to the Design Guidelines, treatment of design changes as major or minor, and the FAR error in the applicant's architectural drawings. Mr. Eanes' CV is attached and will be made an exhibit.

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5. Vlad Oustimovitch
VoKa Incorporated
4109 SW Orchard Street
Seattle, WA 98136-1940
(206) 948-8815

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Mr. Oustimovitch, an architect and urban planner, has been a member of the City's Southwest Design Review Board, and served as a substitute Board member at the November 21, 2013 Initial Recommendation meeting for this project. He is expected to testify respecting the Design Review process, Design Guidelines addressing project "height bulk and scale" impacts, and issues related to this project's location at an abrupt zoning edge. Mr. Oustimovitch's CV is attached and will be made an exhibit.

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6. William Mills
Department of Planning and Development
700 Fifth Ave., Suite 2000
Seattle, WA 98104
(206) 684-8738

- 26
7. Garry Papers
Department of Planning and Development
700 Fifth Ave., Suite 2000

1 Seattle, WA 98104
2 (206) 684-0916

3 8. Roberta Baker
4 Department of Planning and Development
5 700 Fifth Ave., Suite 2000
6 Seattle, WA 98104
7 (206) 684-8195

8 9. Lisa Rutzick
9 Department of Planning and Development
10 700 Fifth Ave., Suite 2000
11 Seattle, WA 98104
12 (206) 386-9049

13 10. James W. Thorpe
14 Northlake Group LLC and/or Thorpe Group LLC
15 215 1st Ave West suite 200
16 Seattle, WA 98119
17 (206) 547-1370

18 11. Sandra E. Mason
19 [address not currently known]

20 12. Witnesses listed by either DPD or the Applicant.

21 13. Rebuttal witnesses.

22 II. LIST OF EXHIBITS

23 1. Documents from DPD project files for MUP # 3013303 (documents available
24 at <http://web6.seattle.gov/dpd/edms/>) including but not limited to public
25 comment letters, correction notices, DRB packages, DRB Reports and
26 Recommendations, consultant documents, notices, application and plans.

2. Notice of Appeal and attachments

3. July 11, 2014 Land Use Interpretation No. 14-005

4. July 17, 2014 Land Use Interpretation No. 14-005 Supplemental

5. August 1, 2014 Land Use Interpretation No. 14-005 Supplemental Addendum

6. Drawings, overlays or other graphic representations depicting the proposed
project, impacts and/or reasonable alternatives. [NOTE: a request is pending

1 with the applicant for production of the materials needed for preparation of
2 these items.]

- 3 7. Curriculum Vitae for Expert Witnesses
- 4 8. Filings in King County Superior Court Cause No. 14-2-012169-5, *The*
5 *Northlake Group, LLC v. Mason, et al.*, King County Superior Court No. 14-2-
6 12169-5, docket available at:
7 http://dw.courts.wa.gov/index.cfm?fa=home.casesummary&crt_itl_nu=S17&casenumber=14-2-12169-5&searchtype=sName&token=6EC00CD9C7C5FC73B3D7EFC3F31B2BAC&dt=69CACAD04D0DECF8ACCF9C03C1F8FEBC&courtClassCode=S&casekey=168126104&courtname=KING%20CO%20SUPERIOR%20CT
- 8 9. Declaration of Sandra E. Mason dated May 5, 2014
- 9 10. July 30, 2014 Letter from Peter J. Eglick to Diane Sugimura
- 10 11. August 15, 2014 letter from Diane Sugimura to Peter Eglick
- 11 12. May 16, 2014 Email and enclosure from Diane Davis to Molly Hurley
- 12 13. November 26, 2013 letter from Joseph Finley to Jim Thorpe
- 13 14. April 2, 2014 letter from Joseph Finley to Daniel Bugbee
- 14 15. August 7, 2014 letter from G. Richard Hill to Diane Sugimura
- 15 16. Amended August 7, 2014 Letter from G. Richard Hill to Diane Sugimura
- 16 17. April 30 - May 9, 2014 e mail exchange between Radim Blazej and Garry
17 Papers re parking, with attachments
- 18 18. Email exchange between Scott Jeffries and Garry Papers dated December 20,
19 2013
- 20 19. April 30, 2014 – May 9, 2014 Email exchange among Radim Blazej, David
21 Partridge and Mike Mahoney
- 22 20. Documents related to other recent or pending residential development projects
23 in proximity to 3078 SW Avalon Way, including:
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25 Project 6294013, located at 3266 SW Avalon Way, documents available at
26 <http://web6.seattle.gov/dpd/edms/>;
Project 6404485, located at 3268 SW Avalon Way, documents available at
<http://web6.seattle.gov/dpd/edms/>;

1 Project 3014342 located at 3050 SW Avalon Way, documents available at
2 <http://web6.seattle.gov/dpd/edms/>; and
3 Project 3012306 located at 3261 SW Avalon Way, documents available at
4 <http://web6.seattle.gov/dpd/edms/>.

- 5 21. Metro KC Transit Route Information; service descriptions and definitions.
6 <http://metro.kingcounty.gov>
- 7 22. Documents included with July 3, 2014 Letter from DPD, William Mills, to
8 Peter J. Eglick re document production, with attachments (DPD has already
9 distributed these documents to the parties)
- 10 23. Documents included with July 7, 2014 Letter from DPD, William Mills, to
11 Peter J. Eglick re supplemental document production, with attachments (DPD
12 has already distributed these documents to the parties)
- 13 24. Documents included with July 8, 2014 Email from DPD, William Mills, to
14 Peter J. Eglick re supplemental document production, with attachments (DPD
15 has already distributed these documents to the parties)
- 16 25. Documents included with July 22, 2014 Letter from DPD, William Mills, to
17 Peter J. Eglick re supplemental document production, with attachments (DPD
18 has already distributed these documents to the parties)
- 19 26. Documents included with August 2, 2014 Letter from DPD, William Mills, to
20 Peter J. Eglick re supplemental document production, with attachments (DPD
21 has already distributed these documents to the parties)
- 22 27. Documents included with August 20, 2014 Letter from DPD, William Mills, to
23 Peter J. Eglick re supplemental document production, with attachments (DPD
24 has already distributed these documents to the parties)
- 25 28. Exhibits listed by DPD or the applicant.
- 26 29. Items used for purposes of impeachment or rebuttal.

27 Discovery and hearing preparation is ongoing, which may result in changes to these
28 lists. Appellant reserves the right to utilize Land Use Code excerpts, Zoning Maps, Aerial
29 Photographs, Design Review Guidelines, DPD Client Assistance Memos, DPD “TIP” sheets,
30 DPD Director’s Rules, dictionary definitions and similar materials typically not exhibits but
31 utilized at hearings.

1 For the sake of efficiency and in light of the indications by the Examiner in the July
2 23, 2014 conference call that this matter will proceed to hearing regardless, Appellant
3 continues to request a remand on procedural grounds, but will present its evidence and
4 arguments for this at the hearing rather than in a separate motion prehearing motion. All rights
5 are reserved in this regard.

6 DATED this 15th day of September, 2014.

7 EGLICK KIKER WHITED PLLC

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10 By _____
11 Peter J. Eglick, WSBA #8809
12 Attorney for Appellant
13 Neighbors Encouraging Reasonable Development
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CERTIFICATE OF SERVICE

I, Fred Schmidt, an employee of Eglick Kiker Whited PLLC, declare that I am over the age of eighteen, not a party to this lawsuit and am competent to testify as to all matters herein.

On September 15, 2014, I caused to be delivered, a true and correct copy of the foregoing document by e-mail to the following individuals:


Garry Papers
Department of Planning and Development
PO Box 34019
Seattle, WA 98124-4019
garry.papers@seattle.gov

G. Richard Hill
McCullough Hill Leary, P.S.
701 Fifth Avenue, Suite 6600
Seattle, WA 98104
Rich@mhseattle.com

William Mills
Department of Planning and Development
PO Box 34019
Seattle, WA 98124-4019
William.Mills@seattle.gov

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: September 15, 2014 at Seattle, Washington.


Fred Schmidt



Education

B.A.	1970	Cornell University
M.A.	1971	Columbia University
M. Arch.	1994	University of Washington

Professional Registration

Washington	Architect	#7382
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Affiliations and Community Involvement

Seattle Planning Commission, 2004-2008
 American Institute of Architects, 1998-2010
 Belltown Housing and Land Use Subcommittee, 2004-2011

Employment History

2010-present	Seattle Housing Authority Seattle Washington	<i>Senior Development Program Manager</i>
	Under the general direction of the Development Director and/or Deputy Executive Director, lead a Development team in implementing assigned development and redevelopment projects. Provide direction in planning, site selection, feasibility analysis, budget, funding applications, and design and construction processes. Guide development team members via an inter-disciplinary approach. Supervise and evaluate performance of assigned staff	
2006-2010	Hewitt Architects Seattle Washington	<i>Senior Associate</i>
	Project Manager for affordable and market-rate housing developments.	
1998-2006	Pyatok Architects Seattle Washington	<i>Principal 2001-2006</i> <i>Senior Associate 1998-2001</i>
	Principal in Charge of the Seattle office.	
	Project Manager for numerous affordable housing developments sponsored by non-profit housing developers, including family rental housing, special needs housing, and first-time homebuyer developments.	
	Project Manager for planning studies for the cities of Tacoma and Olympia designed to attract new housing to their downtown districts.	

- 1994-1998 **Weinstein Copeland Architects** *Staff Architect*
Seattle Washington
- Master planning, urban design, permitting, and coordination of architectural, engineering, landscape, and transportation design for the New Holly Redevelopment Project for the Seattle Housing Authority, including detailed planning for Phase 1.
- Schematic design of the West Precinct Station and Communications Center for the Seattle Police Department.
- 1990-1994 **University of Washington** *Graduate Student & Teaching Assistant*
Department of Architecture
Seattle Washington
- While studying in the M. Architecture program, assisted in teaching courses in building construction, structures, working drawings, lighting, architectural history, and theory of architecture.
- 1981-1990 **Morrison Knudsen Engineers** *Department Manager 1989-1990*
(formerly International Engineering Co.) *Principal Engineer 1984-1990*
San Francisco California *Senior Engineer 1981-1984*
- Preparation of construction and procurement documents including bidding documents, agreement and bond forms, terms and conditions, and administrative requirements. Analysis and development of bid items for unit-price contracts.
- Review of engineering drawings for constructability, coordination with technical specifications, and agreement with contract scope of work and terms of payment.
- Bid-phase services including pre-bid conferences, response to bidders' inquiries, and preparation of amendments. Evaluation of bids and recommendations for award or negotiation.
- Advice to construction management forces regarding contract interpretation. Review and analysis of contractors' claims and potential claim situations. Preparation of change orders.
- Due-diligence review and risk analysis of third-party contract documents on behalf of lending institutions. Assistance in negotiation of these contracts on behalf of owners and lending institutions
- 1980-1981 **Tudor Engineering Company** *Senior Engineer*
San Francisco California
- Prepared contract documents for hydroelectric projects.

- 1978-1980 **Kaiser Engineers** *Senior Engineer*
Oakland, California
- Prepared studies and reports for numerous heavy-rail and people-mover type transportation projects. Coordinated an alternatives analysis study for the Seoul Metro.
- 1976-1978 **Norman Engineering Company** *Engineer*
Los Angeles, California
- Engineering scheduling and cost control for preliminary design of the U.S. DOE's Fuels and Materials Examination Facility, a nuclear spent-fuels laboratory at Hanford, Washington. Prepared progress/cost reports and design reports. Performed budget-authority vs. budget-outlay analysis for the proposed fast-track design/construction program.
- 1974-1976 **Kaiser Engineers** *Technical Writer*
Oakland, California
- Lead writer for development of Standard Construction Specifications for the Baltimore Region Rapid Transit project.
- Specifications writer for final design of the Avondale Shops for the Metropolitan Atlanta Rapid Transit Authority
- a
- 1973-1974 **Parsons Brinckerhoff – Tudor - Bechtel** *Engineering Assistant*
San Francisco California
- Conducted an operations planning study for the Metropolitan Atlanta Rapid Transit Authority. The report of this study was adopted by MARTA as a top-tier basis of design document.
- Prepared technical specifications for new transit vehicles for the Bay Area Rapid Transit District.

VLAD OUSTIMOVITCH

4109 SW Orchard Street
Seattle, WA 98136
(206) 948-8815
vlad@voka.us

SUMMARY OF QUALIFICATIONS

Over twenty years of experience in the master planning, design, permitting, and construction of innovative urban projects requiring complex public/private interaction. Leadership role in the management of interdisciplinary development and redevelopment teams. Extensive community and business involvement.

PROFESSIONAL EXPERIENCE

VOKA INCORPORATED

Seattle 2001-present

Partner

VOKA is a project management practice owned by Vlad Oustimovitch and his partner Kathryn Armstrong that focuses on community development through a management approach that seeks to establish and achieve common objectives and strategies. VOKA specializes in non-profit development and has completed a number of successful projects since it was formed in late 2001.

SEATTLE HOUSING AUTHORITY

Seattle 2001

Development Program Manager

HOPE IV redevelopment of Roxbury and High Point in West Seattle. Structured redevelopment program for the last and largest of the SHA projects. Established positive working relationship with a broad spectrum of the West Seattle community to ensure on-going support for the project, and continues to serve on the Partnership for High Point's Future.

POPKIN DEVELOPMENT

Seattle 1998- 2001

Project Manager

HOPE IV redevelopment of Holly Park in southeast Seattle. Popkin Development served as the Development Program Manager for the development of Phases 1 and 2 of NewHolly, under contract to the Seattle Housing Authority. Coordinated master planning, community participation, infrastructure design, construction and project development, working in tandem with SHA staff.

HEARTLAND GROUP

Seattle 1997-1998

Project Manager

Strategic planning and repositioning of land in preparation for development. Prepared master plan for 300 acre urban redevelopment site in Everett, including major transportation and infrastructure improvements. Formulated evaluation and implementation methodology for Greenfield Inc., a startup Seattle based company devoted to the environmental remediation of contaminated "brownfield" sites.

CMC HEARTLAND PARTNERS

Chicago 1991-1996

Director of Planning and Design (1993-1996)

Director of Planning and Construction (1991-1993)

Oversaw master planning of the former properties of the Chicago Milwaukee St.Paul & Pacific Railroad, in the context of a publicly held real estate development company. Projects in Illinois, Wisconsin, Minnesota, Montana and Washington. Conducted due diligence analysis, site evaluation, consultant team selection and directed project management. Duties included negotiation with community, business, governmental and political constituencies, as well as managing all consultant teams involved in the development process.

FORREC INTERNATIONAL *Toronto* 1989-1991
Director of Design/ Planning Coordinator
Design and coordination of master planning of large and complex sites. Projects included a development proposal for an international free trade satellite city for Leningrad (now St. Petersburg) in Russia during the last years of the cold war era.

RTKL ASSOCIATES INC *Baltimore* 1986-1989
Project Designer/ Coordinator
Led a number of design teams, most notably on the seminal Camden Yards Sports Complex master plan for the Baltimore Orioles. Other projects included a coastal development on the Japanese Izu peninsula, as well as the master plan for second phase of Reston Town Center in Virginia.

EDUCATION

HARVARD UNIVERSITY *Cambridge* 1984-1986
Master of Architecture in Urban Design
Advanced degree integrating planning, design, financial analysis, law and policy implementation. Served as Chair of the Graduate School of Design Student Forum 1985-86. CMHC scholarship. Graduated as Class Marshall.

UNIVERSITY OF TORONTO *Toronto* 1978-1983
Bachelor of Architecture
Five year professional degree in architecture. Studied abroad in Venice in 1980. Varsity Basketball. Graduated with Honors.

DALHOUSIE UNIVERSITY *Halifax* 1975-1978
Studies in Marine Biology
Arts & science curriculum. Sustainability research for harvesting of seaweed in the Bay of Fundy.

PROFESSIONAL & COMMUNITY ACTIVITIES

Multi-Family Code Review for Seattle City Council 2009
Asked to advise Land Use & Neighborhoods Committee on proposed revisions

Alaskan Way Viaduct Stakeholders Advisory Committee 2007-2008
Currently advising City, State and County DOTs on the future of the viaduct

Southwest Precinct Advisory Committee 2003-present
Member of community advisory committee since precinct was inaugurated

West Seattle Water Taxi 2007-2008
Acted as project manager for community plan to relocate and expand facility at Pier 2

South Seattle Community College Master Plan 2005-2006
Master Plan Citizen Advisory Committee

Seattle Monorail Project Board 2005-2007
Was appointed to position by City Council to ensure proper closure of SMP

Monorail Review Panel 2003-2005
Panel Member. MRP was subcommittee of the Seattle Design Commission

Southwest District Council, Seattle 2000-present
President, 2003 and 2004, representing coalition of 15 community groups

West Seattle Chamber of Commerce <i>Board Member, chair transportation committee</i>	2001-2005
Fauntleroy Community Association <i>Board Member</i>	1999-present
Design Review Board, City of Seattle Department of Planning and Development <i>Chair, Southwest Board 2002-2005</i>	1999-2005
American Institute of Architects, Chicago <i>Board of Directors, Chairman of the Planning & Urban Affairs Committee 1995. Served as advisor to the Chicago Circulator project 1994-1995</i>	1991-1996
Menomonee Valley Business Association, Milwaukee <i>Served as Chairman in 1994 & 1995, organized association into a politically effective force. Coordinated light rail alignment issues with the Wisconsin DOT</i>	1992-1996
Bucktown Community Organization, Chicago <i>Served on Design Review Committee.</i>	1994-1996
American Institute of Architects, Baltimore <i>Urban Design Committee, named as Baltimore Avant Guard by Warfield's Business Magazine</i>	1986-1989
Guest Design Critic <i>Harvard University, University of Toronto, Morgan State College, Boston Architectural College</i>	1983-1989

Charles H. Burkhalter Jr., CPA

4031 32nd Avenue Southwest, Seattle, Washington 98126 • (206) 295-0881 • cburkhalterjr@yahoo.com

Professional Experience

Senior Manager for major national accounting firm, 2006 through present

Manager, major national accounting firm, Seattle, WA October 1998 – September 2006

Leadership

- Developed and presented internal and external training case studies for the following topics: Introduction to ASC 740 – Accounting for Income Taxes; Introduction to ASC 740-270 – Accounting for Interim Reporting; Introduction to ASC 740-805 – Accounting for Business Combinations, and Introduction to ASC 740-10 – Accounting for Uncertainty in Income Taxes.

Technical Knowledge and Accomplishments

- Federal Tax specialist responsible for interim and year-end review of the tax provision and financial statement footnotes for several public and private companies, serving as the primary tax liaison with the audit engagement team, coordinating specialist involvement as needed, and working directly with the client Tax Director / VP Tax to resolve and execute on their tax questions, issues, and planning opportunities.
- Lead engagement manager for the “Paid Preparer” review of the consolidated US corporate tax return of a Fortune 50 company, teaming with international, R&D, financial products, M&A, and flow-through local and national specialists to identify and resolve the tax treatment for unique items and reporting obligations.

Other Activities

- Volunteer Financial Counselor at University Presbyterian Church, providing individual budgeting, college savings, retirement, and other financial goals guidance and presentations to the congregation and others.

Education

University of Washington, Seattle, Washington

Master of Professional Accounting in Taxation, August 1999

Bachelor of Arts in Business Administration, Accounting concentration, June 1997