

1
2
3
4
5
6
7
8 BEFORE THE HEARING EXAMINER
9 FOR THE CITY OF SEATTLE

10 In Re: Appeal by

11
12 AQUARIAN FOUNDATION, INC.

13 from the September 18, 2023 City of Seattle
14 Analysis and Decision of the Director of the
15 Seattle Department of Construction and
16 Inspections.

Hearing Examiner File:
MUP-23-011

Department Reference
3038146-LU

APPLICANT’S WITNESS AND EXHIBIT
LIST

17 Applicant Jodi Patterson O’Hare (“Applicant”) submits the following list of witnesses
18 and exhibits in the above-referenced appeal (“Appeal”).

19 I. WITNESS LIST

20 The following are witnesses that Applicant may call in this matter:

21 1. Austin Besse, Senior Associate – AIA, LEED AP BD+C, Weber Thompson. Mr.
22 Besse may testify regarding the project at issue in this appeal (the “Project”), the City of Seattle
23 (“City”) Department of Construction & Inspections (“SDCI”) Design Review approval process,
24 and the design of the Project. The estimated time of Mr. Besse’s testimony is approximately 2
25 hours.
26
27

28 APPLICANT’S WITNESS AND EXHIBIT LIST - 1

McCULLOUGH HILL PLLC

701 Fifth Avenue, Suite 6600
Seattle, WA 98104
206.812.3388
206.812.3389 fax

2. Skye Bredberg, Senior Associate – AIA, LEED AP, Weber Thompson. Ms. Bredberg may testify regarding the design and landscaping of the project, the entitlement process, and design guidelines. The estimated time of Ms. Bredberg’s testimony is approximately 30 minutes.

3. Douglas Smith, Arborist and Founder, Seattle Tree Consulting. Mr. Smith may testify regarding trees and tree removal. The estimated time of Mr. Smith's testimony is approximately 30 minutes.

4. Jeremy Febus, Principal, KPFF. Mr. Febus may testify regarding structural or engineering issues associated with the project. The estimated time of Mr. Febus's testimony is approximately 30 minutes.

5. Witnesses listed by any other party.

6. Witnesses in rebuttal to testimony or evidence introduced by the Appellant.

If any of these witnesses becomes unavailable for hearing, the Applicant reserves the right to substitute with another witness with similar qualifications, expertise, or familiarity with the issues on review.

II. EXHIBIT LIST

The following are exhibits that Applicant may introduce in this matter:

Exhibit 1: Resume of Austin Besse

Exhibit 2: Resume of Skye Bredberg

Exhibit 3: Resume of Douglas Smith

Exhibit 4: SDOT Memo to Design Review Board dated January 31, 2022

Exhibit 5: Final Design Proposal Packet for EDG dated February 9, 2022

1 **Exhibit 6:** Pike Pine Urban Neighborhood Council EDG Comment Letter dated
2 February 9, 2022

3 **Exhibit 7:** Early Design Guidance Presentation dated March 4, 2022

4 **Exhibit 8:** Tree Correction Cycle #1 Responses dated August 8, 2022

5 **Exhibit 9:** Design Recommendation Proposal dated February 15, 2023

6 **Exhibit 10:** Conditions Response dated April 21, 2023

7 **Exhibit 11:** Attachment #1 dated April 21, 2023

8 **Exhibit 12:** Weber Thompson 90% Construction Documents Sheet Set dated October
9 16, 2023

10 **Exhibit 13:** SDOT 90% Construction Documents Plans

11 **Exhibit 14:** Phase 2 Permit Correction #1 dated September 22, 2023

12 **Exhibit 15:** Arborist Report dated June 22, 2021

13 **Exhibit 16:** Arborist Report Addendum #1 dated January 12, 2022

14 **Exhibit 17:** Arborist Report Addendum #2 dated September 7, 2022

15 **Exhibit 18:** Summary of 15th Avenue East Community Workshop Parts 1 – 3

16 **Exhibit 19:** 1410 E John St Project Outreach Documentation dated November 2021

17 **Exhibit 20:** 1410 E John St Project Voluntary Outreach Summary dated January 2023

18 **Exhibit 21:** Community Outreach Implementation Timeline dated Oct/Nov. 2022

19 **Exhibit 22:** Greystar Community Outreach Letter dated December 29, 2022

20 **Exhibit 23:** Tree Photographs taken January 18, 2024

21 **Exhibit 24:** Project and Neighborhood Images

22 The Applicant reserves the right to supplement, amend or revise this list and to submit
23 additional exhibits and call additional witnesses in response to testimony and evidence
24

1 introduced by Appellant, as requested by the Hearing Examiner or due to the availability of
2 witnesses. The Applicant reserves the right to use any exhibit identified by any other party.

3 DATED this 23rd day of January 2024.

4 s/Jessica Clawson, WSBA #36901
5 s/David Carpman, WSBA #54753
6 s/Isaac Patterson, WSBA #60255
7 Attorneys for Applicant
8 McCULLOUGH HILL PLLC
9 701 Fifth Avenue, Suite 6600
10 Seattle, WA 98104
11 Tel: 206-812-3388
12 Fax: 206-812-3398
13 Email: jessica@mhseattle.com
14 Email: dcarpman@mhseattle.com
15 Email: ipatterson@mhseattle.com
16 Attorneys for Applicant
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I am employed at the law firm of McCullough Hill PLLC, over the age of eighteen and not a party to the within cause. On the date written below, a true and correct copy of the foregoing document was filed with the City of Seattle Hearing Examiner and copies served via email to:

Reverend Jann Werner 315 15th Avenue East Seattle, WA 98112 info@aquarianfoundation.com <i>Authorized Representative for Appellant</i>	David Sachs SDCI 700 5th Ave #2000 Seattle, WA 98104 david.sachs@seattle.gov
---	---

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this declaration was executed on the 23rd day of January, 2024, at Seattle, Washington.

/s/ Sarah Willis
Sarah Willis
McCullough Hill PLLC
701 5th Avenue, Suite 6600
Seattle, WA 98104
(206) 812-3388
swillis@mhseattle.com