



BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

19<sup>TH</sup> Ave Block Watch/Squire Park  
Neighbors

Appeal of DPD EIS

File No. MUP 15-010 - MUP 15-015

DPD # 3012953

Swedish Medical Center Cherry Hill  
Campus Master Plan – 500 17<sup>th</sup> Ave

Appellant's Response to Joint Motions to  
Exclude Expert Testimony

The Applicants are in error with their arguments concerning the experts presented on the 19<sup>th</sup> Avenue Witness and Exhibit List.

The experts identified for exclusion:

- Nicholas Richter
- Lindsey Amtmann
- Ken Torp
- Vicky Schiantarelli
- Ellen Sollod

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meet the requirements to be considered as experts due to their combination of knowledge, skill, experience, training and/or education and the testimony on the subjects identified that would assist the Hearing Examiner in understanding the evidence or determining an issue of fact.

I will address each in order:

**Nicholas Richter**

Mr. Richter's urban planning background is invaluable. Mr. Richter demonstrated himself to be the most astute and knowledgeable member of the Citizen's Advisory Group (CAC). Although he is not an engineer, Mr. Richter's testimony about how good (or lack of) urban planning impacts transportation flows, planning and public transportation policies and the consequences and impacts on livability and public policy. Mr. Richter can identify the flaws within the EIS to these kinds of specific issues.

The Applicants argue that Mr. Richter is not qualified to express an opinion in regards to "small-scale, trip generation and impacts analyzed in the EIS or the proper design of transportation management programs aimed at influencing the individual transportation decisions of employees, patients, and consultants."

Mr. Richter is qualified to express opinions regarding a TMP, but even more importantly in regards to the EIS hearing. The more important issues go beyond "small-scale" and beyond TMP's. The fact that the Applicants think that those are the transportation-related issues in the EIS is, in itself, contributing to the argument that the EIS is inadequate. Among the things that the EIS should have analyzed are alternatives that would allow more of the jobs of Providence/Swedish (on the one hand) and Sabey (on the other hand) to be located in different locations — locations that are in urban villages and that are served by robust public transportation routes. Those locations would include places in urban villages within shorter distances from light rail stations and frequent bus routes. Mr. Richter can also testify as to the impacts and consequences of major institution expansion outside an urban village without transition to a residential neighborhood.

Mr. Richter plans to testify as to issues concerning the MIMP separately from the EIS.

#### **Lindsey Amtmann**

Ms. Amtmann's expertise is in developing/writing EIS, EA, NEPA, SEPA, and other environmental documents and permits. Ms. Amtmann's actual credentials are more robust than presented. However, at the time of the required submittal of the final Witness and Exhibit List (June 12<sup>th</sup>), it was still unclear whether Ms. Amtmann would be available to testify as an expert at the hearing scheduled to begin July 13<sup>th</sup>. We did not think it appropriate to ask for her resume without being able to confirm her participation, so we provided information that was available from public sources.

Ms. Amtmann is not addressing whether the EIS is well written, but rather whether there are gaps, omissions, errors, contradictions, or other issues in the drafts that led up and carry over to the FEIS. Ms. Amtmann can speak to best practices about developing determinative statements or propose mitigations before all the data is collected or when to verify data to be incorporated into an EIS. Ms. Amtmann can also speak to when to incorporate historical documents (previous EIS's) and public testimony into the decision making of what to consider or not in developing an EIS and what it takes to develop an adequate EIS. Ms. Amtmann can also speak to various specific EIS requirements and mitigations, including considerations of light, glare, shadow, etc.

It should be noted that the Applicants clearly consider Ms. Amtmann an expert since they have asked to have her deposed to determine what she will be presenting at the EIS portion of the hearing. The Applicants are only deposing those individuals presented as "outside" experts.

#### **Ken Torp**

Mr. Torp's state and federal transportation leadership experience is invaluable. Mr. Torp has experience reviewing, and accepting for publication, EIS and other environmental documents. Mr. Torp understands what constitutes an adequate EIS suitable for publication that can withstand public scrutiny and prevail. Although he is not an engineer, Mr. Torp's testimony about how good (or lack of) urban planning impacts transportation flows, planning and public transportation policies and the consequences and impacts on livability and public policy. Mr.

Torp can identify the omissions or specific areas within the EIS that would or should have had additional work or rework done before issuing a FEIS.

Keep in mind that the challenge to Mr. Torp's expertise would be the same to challenge, Mr. Scott Kubly's credentials as the SDOT Director. Mr. Kubly holds graduate degrees in business administration and community/regional planning

Mr. Torp is qualified to express opinions regarding a TMP, but even more importantly in regards to the EIS hearing. The more important issues go beyond "small-scale" and beyond TMP's. The fact that the Applicants think that those are the transportation-related issues in the EIS is, in itself, contributing to the argument that the EIS is inadequate. Among the things that the EIS should have analyzed are alternatives that would allow more of the jobs of Providence/Swedish (on the one hand) and Sabey (on the other hand) to be located in different locations ---- locations that are in urban villages and that are served by robust public transportation routes. Those locations would include places in urban villages within shorter distances from light rail stations and frequent bus routes.

Mr. Torp plans to testify as to issues concerning the MIMP separately from the EIS.

#### **Vicky Schiantarelli**

Ms. Schiantarelli was proposed as an expert witness should Ms. Amtmann not be available to testify.

Ms. Schiantarelli's expertise concerning EIS's pertains specifically to EIS reviews and approvals while employed at WSDOT. That experience has continued to be tapped, including her current employment, in part for her ability to evaluate engineering firms' experience and expertise in providing the most qualified engineering and professional services, including permitting, for public entities on a variety of capital projects.

This experience in conjunction with her history as the CAC Vice Chair for the 1994 MIMP for the same site and past President of Squire Park Community Council (at the same time), provides her with the ability to draw a comparison and contrast of what was considered (or not) between the 1994 and the 2015 EIS's for this same site, with the eerily similar MIMP and 2010 minor/major amendment proposals.

No significant focus was put on Ms. Schiantarelli's education due to her last attendance as a student on a college campus was in 1978 and much has changed academically in her fields of study since then, especially in the sciences. It is her skills, knowledge and abilities that others have relied on

#### **Ellen Sollod**

Ms. Sollod's artistic works include installations of sculptures and other works in both public and private settings. Ms. Sollod's work goes beyond the aesthetics of sticking a statute somewhere in someone's yard. Ms Sollod's works take into consideration the use of materials and how

light, shadow, and glare throughout the day will affect the aesthetics of the piece in relationship to the surrounding space and structures. This is one of the reasons Ms. Sollod sits on the Design Commission. Ms. Sollod must be able to build accurate models to scale and site plans as part of her work being accepted and installed.

Land use expertise comes from the ability to put structures and open space in a context of livability and creates appropriate scale of height, bulk, scale, density, and intensity while allowing growth/expansion of those structures. Ms. Sollod's experience makes her qualified to speak to land use issues for this EIS and MIMP.

19<sup>th</sup> Ave Block Watch is appreciative for the opportunity provided by the Hearing Examiner to allow our voices to be heard through this administrative appeal process.

Thank you.

*Vicky Schiantarelli*

Vicky Schiantarelli

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