

1 SEATTLE HEARING EXAMINER

2  
3 In the Matter of the Appeal by  
4 LIVABLE PHINNEY,  
a Washington non-profit corporation  
5 from a determination of non-significance,  
6 design review and interpretation

Hearing Examiner File  
MUP-17-009 (DR, W)

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
**APPELLANT'S LIST OF PROPOSED  
EXPERT WITNESSES AND EXHIBITS**

On Tuesday, April 25, 2017, the parties agreed to a voluntary modification of the Hearing Examiner's April 25, 2017 Order on Motion for Extension of Deadline for Identification and Disclosure of Witnesses and Exhibits. The parties agreed to identify their expert witnesses and disclose expert reports by April 25, 2017 (which was the original deadline for disclosure of all witnesses and exhibits), and to exchange their full lists of witnesses and exhibits on April 26, 2017. The Supplemental Exhibit and Witness list deadlines identified in the April 25<sup>th</sup> Order are not affected by this voluntary modification agreement. Pursuant to this agreement, Appellant Livable Phinney submits the following list of proposed expert witnesses, and the reports prepared by those expert witnesses:

**Expert Witnesses**

1. Dave Crippen, transportation/traffic engineer

Mr. Crippen will testify regarding the applicant's failure to fully consider the proposal's parking impacts, including, but not limited to, errors in the applicant's parking analysis, over-estimation of available on-street parking and parking capacity, under-estimation of the proposal's demand for parking, the lack of consideration of parking demand generated by other projects in the vicinity, and the proposal's unmitigated impacts upon on-street parking. Mr. Crippen's Analysis is set forth in his Parking Utilization/Demand Comparison and his qualifications are set forth in his resume, which are included with this submission.

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

2. Roberto Altschul, PhD

Dr. Altschul is a statistician and will present a statistical analysis of Route #5's failure to meet headways of 15 minutes or less. Dr. Altschul's analysis are contained with in the Analysis of Headway Data and a presentation of his data and his qualifications are set forth within his resume, which accompany this filing.

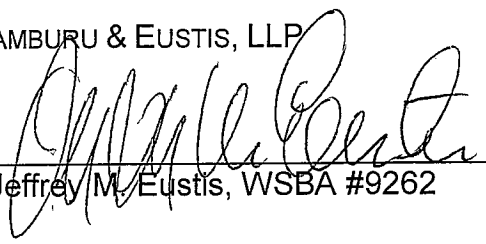
3. Marcel Bodsky, architect

Mr. Bodsky is an architect and will testify regarding blockage by the Phinney Flats project of the view from the Fini Condos development located to the west, and the errors and omissions in the Applicant's view. His testimony is supported by an annotated rendition of proposed structures and photographs taken from the Fini Condos site and his qualifications are set forth within his resume, which accompany this filing.

Livable Phinney reserves the right to supplement this list with: 1) any expert witness whose involvement in the code interpretation became disclosed in SDCI's production of documents on April 25, 2017; 2) any expert witness necessary to address any issues that arise from review of SDCI's production of documents on April 25, 2017; 3) any witness listed by any other party; 4) any additional witness necessary to rebut those offered by the City or any other party; and 4) any documents necessary to support any such witnesses. Livable Phinney will disclose SDCI witnesses and lay witnesses within it disclosure list to be submitted on April 26, 2017.

Livable Phinney will supplement its expert reports with additional exhibits to support the testimony of non-expert witnesses. Further, Livable Phinney reserves the right to supplement its exhibit list with: 1) any document disclosed in SDCI's production of documents on April 25, 2017; 2) any exhibit listed by any other party; and 3) any exhibits necessary to rebut or refute exhibits offered by the City or any other party.

Dated this 25<sup>th</sup> day of April, 2017.

ARAMBURU & EUSTIS, LLP  
By   
Jeffrey M. Eustis, WSBA #9262

DECLARATION OF SERVICE

I am a partner in the law offices of Aramburu & Eustis, LLP, over eighteen years of age and competent to be a witness herein. On the date below, I served copies of the foregoing document upon parties of record, addressed as follows:

Patrick Downs,  
Assistant City Attorney  
Patrick.Downs@Seattle.gov  
 first class postage prepaid,  
 email  facsimile  
 hand delivery / messenger

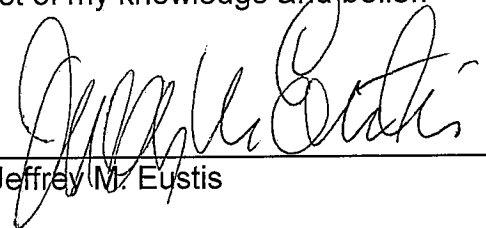
David Graves  
City of Seattle Office of Planning and Community Development  
David.Graves3@seattle.gov  
 first class postage prepaid,  
 email  facsimile  
 hand delivery / messenger

Michael Dorcy  
City of Seattle Office of Planning and Community Development  
Michael.Dorcy@seattle.gov  
@seattle.gov  
 first class postage prepaid,  
 email  facsimile  
 hand delivery / messenger

Jessica Clawson  
jessica@mhseattle.com  
Katie Kendall  
kkendall@mhseattle.com  
Attorneys for the Applicant  
 first class postage prepaid,  
 email  facsimile  
 hand delivery / messenger

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

DATED: April 25, 2017.

  
\_\_\_\_\_  
Jeffrey M. Eustis