

1 SEATTLE HEARING EXAMINER

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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)

APPELLANT'S LIST OF PROPOSED
WITNESSES AND EXHIBITS
Amended, corrected & consolidated

7
8 The appellant identifies the witnesses and exhibits listed below, a list including the
9 expert witnesses identified on April 25, 2017.

10 **WITNESSES**

- 11 1. Dave Crippen, transportation/traffic engineer

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13 Mr. Crippen will testify regarding the applicant's failure to fully consider the
14 proposal's parking impacts, including, but not limited to, errors in the applicant's
15 parking analysis, over-estimation of available on-street parking and parking
16 capacity, under-estimation of the proposal's demand for parking, the lack of
17 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.

- 18 2. Andrew Brick

19 Mr. Brick is an employee of King County Metro Transit who will be called as a
20 lay witness to testify regarding actual headway data that Metro collects on its bus
routes including the Route 5, and the data he provided.

- 21 3. Roberto Altschul, PhD

22 Dr. Altschul is a statistician and will present a statistical analysis of Route #5's
23 failure to meet headways of 15 minutes or less. Dr. Altschul's analysis is
24 contained within the Analysis of Headway Data and his qualifications are set
forth within his resume.

- 25 4. Marcel Bodsky,

1 Mr. Bodsky is an architect and will testify regarding blockage by the Phinney
2 Flats project of the view from the Fini Condos development located to the west.
3 His testimony is supported by the annotated renditions of proposed structures,
4 showing view blockage and shadow impacts and photographs taken from the
5 Fini Condos site and his qualifications are set forth within his resume.

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8 5. Irene Wall

9 Ms Wall is a resident of the Phinney Ridge neighborhood and a board member of
10 Livable Phinney and will testify as to the project's conflict with the city-wide and
11 Greenwood/ Phinney Ridge Design Guidelines, and SEPA.

12 6. Laura Reymore,

13 Ms. Reymore is owner of property adjacent to the south of the proposed
14 development and will address the lack of mitigation for impacts to her property,
15 including but not limited to, height, bulk and scale and construction impacts, and
16 concerns about potentially contaminated soils due to the former dry-cleaning
17 operation on the project site.

18 7. Elizabeth Johnson,

19 Ms Johnson resides on adjacent property to the east of the proposed and will
20 address the lack of mitigation for impacts to her property, including, height, bulk
21 and scale and construction impacts development, and concerns about potentially
22 contaminated soils on the former dry-cleaning operation on the project site.

23 8. Jan Weldin

24 Ms Weldin is a resident of Phinney Ridge and a board member of Livable
25 Phinney and will address the availability of on-street parking in the vicinity under
current conditions and as impacted by proposed and recently completed projects
in the Greenwood-Phinney Ridge area, and other impacts of the proposed
project.

9. Michael Richards,

Mr. Richards is a resident of the Phinney Ridge neighborhood and a board
member of Livable Phinney and will testify regarding the impacts of on-street
parking within areas outside of the Greenwood/Phinney Ridge Urban Village.

10. Henry Brandis

Mr. Brandis is a resident of Fini Condos and will address impacts of the proposed
development upon views and shadowing.

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11. Michael Dorcy

Mr. Dorcy will be called as an adverse witness to testify as to his review and preparation of the Analysis and Decision, including the SEPA Determination and the Design Review Board review and recommendation.

12. David Graves (and others participating in rendering the code interpretation)

Mr. Graves (and others participating in rendering the code interpretation) will be called as adverse witnesses to testify as to their review, preparation and conclusions of the code interpretation, requested and appealed as part of this action.

13. Williams Mills

Mr. Mills is an employee of SDCI, works in the code interpretation section, and will be called to testify on his review and changes to the code interpretation.

14. Andy McKim

Mr. McKim is an employee of SDCI, head of the code interpretation section, and will be called to testify on his review and changes to the code interpretation.

Livable Phinney reserves the right to supplement this list with: 1) any witness whose involvement in the code interpretation became disclosed in SDCI's production of documents on April 25, 2017; 2) any witness listed by any other party; and 3) any additional witness necessary to rebut those offered by the City or any other party.

EXHIBITS

Existing documents known and available to other parties

- 1. Environmental Checklists (2/17/16 & 11/7/16)
- 2. GTC traffic & parking reports (See Applicant's Ex. 21, 22 & 23)
- 3. Project Plan set v3 (Applicant's Ex. 3)
- 4. Design Review Board recommendations (See Applicant's Ex. 9-11)
- 5. SDCI Analysis & Decision
- 6. Code interpretation

- 1 7. Map Phinney/Greenwood UV
2 8. City of Seattle Design Guidelines (See Applicant's Ex. 29)
3 9. Greenwood/Phinney Ridge Design Guidelines (See Applicant's Ex. 28)
4 10. CAM 238 (eff. 3-13-08)
5 11. TIP 238 (eff. 2-11-16)
6 12. Tip 117 (effective 3-2011)
7 13. Order in MUP 15-009(W) (Roosevelt Neighbors)
8 14. Decision in MUP-14-006-S-14-001(NERDS)
9 15. GeoTech Report, dated 9.25.09 in SDCI Application 3006773
10 16. Correction Notice in dated 3/30/17 in SDCI Application 3023260
11 17. All documents within project file 3020114 (See also, City Ex. 24 & 25)

12 Expert witness reports and documents (previously furnished)

- 13
14 18. Altschul, Analysis of Headway Data
15 19. Altschul, Bus Data presentation
16 20. Resume, Roberto Altschul, Phd.
17 21. Bodsky, view from Fini (1)
18 22. Bodsky, view from Fini (2)
19 23. Bodsky, ViewAnalysis w Applic CAD file
20 24. Resume, Marcel Bodsky Architect
21 25. Crippen, Parking Demand Comparison
22 26. Resume, David Crippen

23 Exhibits not previously furnished or otherwise available

- 24
25 27. King County Metro, Route 5 data spreadsheet (electronic copy only)

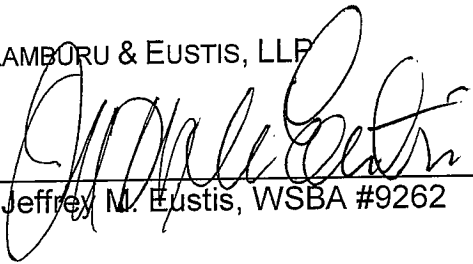
1. 28. King County Metro, 2016 System Evaluation, September 2016
2. 29. SDOT map, restricted parking in project area
3. 30. Photos, on-street parking
4. 31. Shadowing by 6726 project, including on January 21st at noon
5. 32. Summary Greenwood-Phinney proposed Construction Projects
6. 33. Legislative memo, Updates to MF zones, March 20, 2010
7. 34. SEPA checklist for MF code changes, April 21, 2010
8. 35. Background resource material for Crippen report
9. a. Tip 117
10. b. Oregon City Parking Study
11. c. ITE Manual Excerpt LU 221 4th Edition
12. d. ITE Parking Generation 3rd Edition Excerpts
13. e. KC Right Size Parking Calculator
14. f. Seattle Bike MP Map Phinney Protected Bike Lane
15. g. SPACK ITE trip generation rates
16. h. Strategic Planning Office 2000 Neighborhood Parking Study
17. i. Future Development Capacity Group 3 pipeline projects
18. j. Future Development Capacity Group 1
19. k. Future Development Capacity Group 2
20. l. PRCC, Comments on 6726 Traffic and Parking Study, March, 2016
21. m. PRCC, Comments on 6726 Traffic and Parking Study, July 25, 2016
22. 36. [Draft] Interpretation 17-002 (WKM edits), with 3-16-17 email of Mills to Graves
23. in SDCI public records response of 4-25-17);
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- 37. [Draft] Interpretation 17-002 (WKM_AMc_edits), with 3-21-17 email of McKim to Graves)
- 38. [Draft] Interpretation 17-002 Edits 3-21, with email of Graves to Swallow & Dorcy);
- 39. [Draft] Interpretation 17-002 Edits 3-24 with 3-24-17 email of Graves to Swallow);
- 40. [Draft] Interpretation 17-002 3-29-17 AMc, with 3-29-17email of McKim to Graves
- 41 Working Documents (as produced by SDCI on 4-25-2017)
- 42. Vicinity zoning maps (Attachment 2 to response to motion to dismiss)

Appellant reserves the right to supplement the above 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 1st day of May, 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

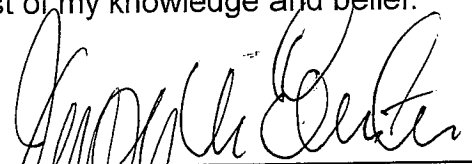
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

DATED: May 1, 2017.



Jeffrey M. Eustis