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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of
**WALLINGFORD COMMUNITY COUNCIL, ET
AL.,**

of the City of Seattle Citywide Implementation of
Mandatory Housing Affordability (MHA) Final
Environmental Impact Statement,

Hearing Examiner Consolidated File:
W-17-006 through
W-17-014

**APPELLANT
FRIENDS OF NORTH RAINIER
NEIGHORHOOD PLAN PRELIMINARY
WITNESS & EXHIBIT LIST**

(Appellant in No. W-17-014)

Appellant Friends of North Rainier Neighborhood Plan (“FNR”) hereby submits its
Preliminary Witness and Exhibit List for its appeal.

I. WITNESS LIST

Appellant may call the following witnesses to testify at the appeal hearing. The general
subject matter of their expected testimony is noted below.

1. Spencer Howard, Northwest Vernacular (www.nwvhp.com). (45 minutes). Mr. Howard
may be called to testify on the City’s historic and cultural resources, including the Mount
Baker Park Addition near the North Rainier Urban Village, and the extent to which the
City failed to adequately analyze those resources in the FEIS and failed to consider

1 alternatives that would reduce harm to these resources. Mr. Howard is a Historic
2 Preservationist, who co-founded Northwest Vernacular, Inc., in 2017, after spending 14
3 years as a partner at Artifacts Consulting, Inc. Mr. Howard has a MS in Historic
4 Preservation from the University of Oregon (2001), with a concentration in preservation
5 technology and design. He also has a BA in German and Spanish from the University of
6 Oregon (1999).

7 2. Maria Batayola, Owner of Jump Start (organizational development services). (45 minutes).

8 Ms. Batayola has B.A. in Political Science and in Theatre from the University of
9 Washington, and an M.A. from City University LIOS. Ms. Batayola maintains a family
10 home in the Beacon Hill community, where she resided for decades. She has remained
11 active in Beacon Hill and the surrounding community through volunteer, community
12 development and environmental justice activities, including the Filipino Community
13 Center, the Beacon Hill Merchants Association, Beacon Hill Council, Seattle's Race and
14 Social Justice Cabinet, the Community Coalition on Environmental Justice (co-founder),
15 Asian Pacific Islander Community Candidates Forum (co-founder). She may be called as
16 a fact witness and expert on issues relating to those portions of the FEIS which relate to
17 environmental conditions and neighborhood planning in the Beacon Hill area,
18 environmental justice, community health, and gentrification and displacement.

19 3. Eugenia Woo, Historic Seattle. (20 minutes) Ms. Woo is expected to testify on the City's

20 historic and cultural resources, including the issues covered in her comments on the MHA,
21 submitted on behalf of Historic Seattle. From 2009 to present, Ms. Woo has been the
22 Director of Preservation Services at Historic Seattle. Ms. Woo submitted a letter on behalf
23 of Historic Seattle during the MHA draft EIS process.

- 1 4. Peter Steinbrueck, FAIA, Steinbrueck Urban Strategies (45 minutes).
2 www.steinbrueckurbanstrategies.com. Mr. Steinbrueck is a nationally recognized
3 architect, urban policy expert, strategist, community planner, writer, lecturer, and speaker.
4 Loeb Fellow, Harvard University; MA, Architecture, University of Washington; BA,
5 Government, Bowdoin College. Mr. Steinbrueck may be called as a fact and expert
6 witness on the adequacy of the FEIS with respect to the Comprehensive Plan and
7 neighborhood planning processes, the failure of the FEIS to consider neighborhood plan
8 goals and policies or alternatives consistent with neighborhood plans, and the failure of the
9 FEIS to address important features of the North Rainier Neighborhood and its Plan.
- 10 5. Eve Keller, Resident. (25 minutes). Eve Keller is a resident of the Mount Baker
11 neighborhood and active in community advocacy in and around the North Rainier Urban
12 Village, and the Station Area. Ms. Keller may be called to testify on the unique
13 conditions and challenges of living and working in the North Rainier Neighborhood,
14 including the Station Area, and the deficiencies of the FEIS analysis of the proposed FEIS.
- 15 6. Barb Oswald, Resident and Business Owner (25 minutes). Ms. Oswald operates the
16 Mount Baker Neighborhood Center for the Arts, and lives in the North Rainier
17 Neighborhood. Ms. Oswald may be called to testify on the unique conditions and
18 challenges of living and working in the North Rainier Neighborhood, including the Station
19 Area, and the relationship of those issues to the FEIS analysis of the proposed FEIS.
- 20 7. Peg Giffels (20 minutes). 3010 S. Mount Baker Blvd, Seattle WA 98144. (206) 265
21 0987. Ms. Giffels is a business owner and resident of the North Rainier Neighborhood
22 and may be called to testify on the local conditions and challenges of living and working in
23

1 the North Rainier Neighborhood, including the Station Area, and the failure of the FEIS to
2 properly document, analyze or address those conditions and challenges.

3 8. Davidya Kasperzyk, AIA, Senior Consultant, Architecture, Urban Design and Bioregional
4 Planning at Parametrix. (30 minutes). Mr. Kasperzyk is an architect with considerable
5 background and expertise in the areas of open space planning, and historic resources. He may
6 be called to testify as an expert about the inadequacy of the MHA EIS disclosure and analysis
7 associated with open space and historic issues.

8 9. Michael James, AICP and Bus Rapid Transit Administrator, City of Phoenix. (45
9 Minutes). Mr. James is expected to testify on the efforts to achieve the open space
10 objectives of the North Rainier Neighborhood Plan with a neighborhood park that would
11 bridge the urban village's open space gap; he will also testify on the proposal's impacts on
12 public infrastructure and amenity plans for the North Rainier Urban Village. Mr. James
13 served as the Rail and Transit Corridor Manager for the City of Seattle from February 2016
14 until April 2017. Before that he spent approximately 3.5 years as a Strategic Adviser II for
15 the City of Seattle. He has a BS in Landscape Architecture from Washington State
16 University (1993) and a Masters in Urban & Regional Planning from Eastern Washington
17 University (1995).

18 10. Jennifer Ott, Environmental Historian (45 minutes). Jennifer Ott is an accomplished
19 historian, and currently serves as Assistant Director and Staff Historian at History Link.
20 She is on the Steering Committee for the Volunteer Park Trust. In her nine years on the
21 Board of the Friends of Seattle Olmsted Parks she served as President and Vice President.
22 She has an M.A. in Environmental and Western American History from the University of
23 Montana (1997) and a B.A. in History and Comparative History of Ideas from the

1 University of Washington (1993). Ms. Ott may be called as both a fact and expert witness
2 on issues related to the FEIS analysis of Historic and Cultural Resources, and open space
3 planning throughout the City, and specifically within the North Rainier Urban Village.

4 11. Bill Hart, resident and owner of Baked from the Hart (30 mins). Bill Hart is a resident and
5 business owner in the North Rainier Urban Village. He may be called to testify about the
6 actual conditions and challenges for residents and businesses in the immediate vicinity of
7 the North Rainier Town Center, as related to the FEIS and its inadequate analysis of those
8 issues and the anticipated impacts of the proposal in North Rainier.

9 12. Mark Temmel, resident and owner of Temmel Real Estate (www.temmelre.com) (20
10 Minutes). Mark Temmel is a resident and small business owner in the North Rainier
11 Neighborhood, with expertise in commercial real estate. He may be called to testify about
12 the actual conditions and challenges for residents and businesses in the immediate vicinity
13 of the North Rainier Town Center, as related to the FEIS and its inadequate analysis of
14 those issues and the anticipated impacts of the proposal in North Rainier.

15 13. Michael Ross (45 minutes). (www.rladvisors.com). Mr. Ross is an owner and developer
16 in the North Rainier Urban Village with experience and expertise in real estate
17 development, finance and land use issues. He may be called as an expert and fact witness
18 to testify on the actual real estate and socio-economic conditions of the North Rainier
19 Urban Village and the Mount Baker station area, as related to the FEIS and its inadequate
20 analysis of those issues and the anticipated impacts of the proposal in North Rainier.

21 14. Rick McLaughlin, Owner Big Time Brewery. (20 Minutes). Mr. McLaughlin is a Seattle
22 resident who has knowledge and expertise of small business conditions and the impact of the
23 City's proposal. He may be called as a fact or expert witness to testify about inadequate

1 analysis of the FEIS with respect to socioeconomic conditions, and the related impacts and
2 mitigation related to the proposal.

3 15. Representatives of the Respondent who may be designated as having knowledge of the
4 issues relevant to this appeal, including but not limited to Chip Nevins, Acquisition
5 Planner at City of Seattle, Department of Parks & Recreation (30 minutes). Mr. Nevins
6 may be called to testify on the FEIS's failure to acknowledge or assess the open space gap
7 and park conditions and planning efforts within the North Rainier Town Center.

8 Appellant reserves the right to call any witness identified by Respondent or another party, to
9 call additional rebuttal witnesses, to call additional witnesses to the extent that it is allowed by the
10 City of Seattle Hearing Examiner Rules, and to call substitute witnesses if any of the witnesses
11 identified above become unavailable.

12 **II. EXHIBIT LIST**

13 Appellant identifies the following exhibits it may use at the hearing in this matter:

- 14 1. MHA FEIS and related Appendices, including the maps and analyses of the North Rainier
15 Neighborhood and Urban Village. See, e.g., Appendix H-58.
- 16 2. North Rainier Neighborhood Plan, Comprehensive Plan (City of Seattle).
- 17 3. North Rainier Hub Urban Village Baseline Report (Seattle, March, 2009)
- 18 4. North Rainier Neighborhood Plan (February 1999).
- 19 5. North Rainier Neighborhood Plan Update (January 2010)
- 20 6. Seattle Transit Communities: Integrating Neighborhoods With Transit (Seattle Planning
21 Commission, 2010).
- 22 7. Mount Baker Town Center Urban Design Framework (Seattle DPD, October 2011).
- 23

- 1 8. North Rainier Urban Village Assessment (Berk Consulting; April, 2015)
- 2 9. Letter from Bruce Harrell to Mayor Murray (July 8, 2015).
- 3 10. Aerial Photos
- 4 11. Maps, Including Draft Zoning Changes for North Rainier Hub Urban Village
- 5 12. Principles for MHA Implementation (City of Seattle)
- 6 13. Mount Baker Station Area Open Space Nexus Analysis, Seattle DPD.
- 7 14. Gaps In Usable Open Space – North Rainier (Seattle Department of Parks & Recreation,
- 8 December 4, 2008)
- 9 15. Gap Report (Seattle Parks and Recreation, 2001)
- 10 16. Gap Report Update (Seattle Parks and Recreation, 2011).
- 11 17. Response to Statement of Legislative Intent (SLI) 75-1-A-2 on Natural Capital (June 30,
- 12 2016)
- 13 18. 2017 Parks and Open Space Plan (Seattle Parks & Recreation)
- 14 19. North Rainier Town Center Park – Acquisition Project (City of Seattle and King County
- 15 Conservation Futures).
- 16 20. North Rainier Town Center Park – renderings (Friends of Mount Baker Town Center)
- 17 21. Letter from Jennifer Ott, Friends of Seattle Olmsted Parks (December 2, 2014)
- 18 22. Letter from Seattle Pedestrian Advisory Board in support of Friends of Mount Baker Town
- 19 Center.
- 20 23. Graphics and photographic depictions of current conditions in the North Rainier Urban
- 21 Village and adjacent areas, including natural and historic resources; aesthetics; height,
- 22 bulk, and scale.
- 23 24. Photos – Hao Mai Vietnamese Preschool Play Areas (Rainier Avenue)

- 1 25. Briefing Memo on Impact Fees from Sam Assefa to Mayor Ed Murray (City of Seattle,
2 March 13, 2017)
- 3 26. Mount Baker Park Addition, Nomination for Historic Designation (2018)
- 4 27. Mount Baker Park Addition, Registration as Historic District (Washington State
5 Department of Archaeology and Historic Preservation, 2018)
- 6 28. The Mount Baker Park Addition, A Historic Intersection of People and Place (Friends of
7 Mount Baker Town Center, 2017)
- 8 29. North Rainier Valley Historic Context Statement, City of Seattle Department of
9 Neighborhoods (May 2004)
- 10 30. Mount Baker Historic Context Statement, City of Seattle Department of Neighborhoods
11 (May 2004)
- 12 31. Mount Baker Inventory of Buildings and Urban Design Resources (Historic Preservation,
13 Nyberg & Steinbrueck)
- 14 32. Community Comments to Proposed Urban Village Expansion (November, 2015)
- 15 33. Resolution Supporting Vision of North Rainier Neighborhood Plan (Friends of Mount
16 Baker Town Center, February 2017)
- 17 34. Cheasty Boulevard Historic Designation, and Report (Seattle Landmarks Preservation
18 Board, January 2003)
- 19 35. Franklin High School Historic Designation (??)
- 20 36. Mount Baker Park Addition Photos (Franklin High School; 1932 Aerial; 1937 Aerial;
21 Mount Baker Boulevard; etc.)
- 22 37. Mount Baker Park Addition Maps (noted architects, architectural styles, Olmsted Plan,
23 etc.)

- 1 38. Confronting Concentrated Poverty With a Mixed-Income Strategy (U.S. Department of
2 Housing and Urban Development (2013).
- 3 39. Park Playgrounds and Boulevards of Seattle, Washington (Park Commissioners Book)
- 4 40. Report of the Olmsted Brothers, Landscape Architects (adopted by City Council, October
5 19, 1903), and Supplemental Report on Annexed Territory and General Development
6 (Adopted by Seattle City Council, January 25, 1908).
- 7 41. Maps of the Olmsted System of Parks and Parkways, Seattle
- 8 42. Nomination and Designation of Seattle’s Olmsted Park Boulevard System for Historic
9 Recognition, and related documents and maps.
- 10 43. Designation and Nomination of Mount Baker Park Addition, as a Historic Place (2018),
11 including supportive documentation, maps, photos and analyses.
- 12 44. Mount Baker Town Center Design Review Guidelines (as adopted by the City of Seattle).
- 13 45. Comments, Emails and Reports received by City of Seattle regarding the HALA proposals
14 for North Rainier Urban Village and Urban Village Expansion, prior to the SEPA
15 Comment Period. This includes but is not limited to email exchanges with Jesseca Brand,
16 Nicolas Welch, Spencer Daniels, Mayor’s Office, Council Members, and City staff from
17 2015 to date.
- 18 46. Comments, Emails and Reports exchanged between community members and the City of
19 Seattle regarding efforts to bridge the open space gap in the North Rainier Urban Village,
20 including with Chip Nevins (Parks), Michael James (SDOT), Theresa Barreras (OED) and
21 Stephen Shain (DPD / OPCD).
- 22 47. Emails, documents and reports exchanged between community members and the City of
23 Seattle regarding efforts to achieve economically diverse housing in the Mount Baker

1 Town Center, including emails exchanged with the Mayor’s Office, City Council, OED
2 and OPCD on the Mercy Housing project.

3 48. Maps and Draft Zoning Changes for North Rainier Hub Urban Village (City of Seattle)

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5 In addition to the exhibits identified above, appellant reserves the right to introduce exhibits
6 identified by any other party, demonstrative exhibits revealed prior to the hearing, additional exhibits
7 as allowed by the City of Seattle Hearing Examiner Rules, and to introduce additional exhibits during
8 cross-examination or rebuttal.

9 In addition, discovery is ongoing and Appellant FNR recently received an extensive
10 production of thousands of documents from the Respondent, and has yet to receive interrogatory
11 responses or specifications of the documents that pertain to each Request For Production. Appellant
12 requires additional time to review this voluminous discovery, which may lead to the identification of
13 additional witnesses and exhibits.

14
15 DATED this 2nd day of April, 2018.

16 FRIENDS OF THE NORTH RAINIER
17 NEIGHBORHOOD PLAN

18 By */s/ Marla Steinhoff*
19 Marla Steinhoff, Representative

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Declaration of Service

3 Marla Steinhoff declares that on the 2nd day of April, 2018, I filed with the Hearing Examiner
4 and delivered by email as allowed by the Second pre-hearing order of February 16, 2018, Appellant
5 FNR's Preliminary Witness and Exhibit List to the City of Seattle and to counsel for the City of
6 Seattle to the following email addresses:

7 Geoffrey Wentlandt <Geoffrey.wentlandt@seattle.gov>
MHA <MHA@seattle.gov>
8 Jeff Weber <jeff.weber@seattle.gov>
Daniel B. Mitchell <daniel.mitchell@seattle.gov>
9 Alicia Reise <alicia.reise@seattle.gov>
Tadas A. Kisielius <tak@vnf.com>
10 Dale Johnson <dnj@vnf.com>
Clara Park <cpark@vnf.com>
11 Cara Tomlinson <ctomlinson@vnf.com>
Daniel B. Mitchell <daniel.mitchell@seattle.gov>

12
13 Copies were also sent to co-appellants at the following email addresses:

14 Wallingford Community Council (W-17-006): Lee Raaen <lee@lraaen.com>
15 Morgan Community Association (W-17-007): Deb Barker <djb124@earthlink.net>
Friends of Ravenna Cowen (W-17-008): Judith Bendich <jebendich@comcast.net>
16 West Seattle Junction Neighborhood Organization (W-17-009): Rich Koehler
<rkoehler@cool-studio.net>
17 Seattle Coalition for Affordability, Livability, and Equity (W-17-010): Claudia Newman
<newman@bnd-law.com>
18 Seniors United for Neighborhoods (W-17-011): David Ward <booksgalore22@gmail.com>
Beacon Hill Council (W-17-012): Mira Latoszek mira.latoszek@gmail.com
19 Fremont NC: Toby Thaler <toby@louploup.net>

20 I declare under penalty of perjury under the laws of the state of Washington that the foregoing
21 information is true and correct.

22 DATED this 2nd day of April, 2018, at Seattle, Washington.

23 */S/ Marla Steinhoff*
Marla Steinhoff, Friends of North Rainier Neighborhood Plan