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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
BEACON HILL COUNCIL OF SEATTLE
SUPPLEMENTED PRELIMINARY
WITNESS & EXHIBIT LIST**

(Appellant in No. W-17-012)

Appellant Beacon Hill Council of Seattle (“BHCS”) hereby submits its Supplemented
Preliminary Witness and Exhibit List for its appeal.

I. INTRODUCTION

Pursuant to the Second Prehearing Order, Appellant Beacon Hill Council of Seattle (BHCS) submits its Preliminary Witness and Exhibit List. These lists are indeed preliminary. As of the preparation date of this Preliminary Witness and Exhibit List, the Respondent provided (on March 22, 2018 and March 28, 2018) tens of thousands of pages of documents in zip files, some of which are germane to Appellants' discovery requests, but Appellant's Authorized Representative has not had adequate time to fully review them. The Respondent has not answered the interrogatory

1 requests from other Appellants in this appeal. Accordingly, the Appellant does not know whether
2 any of the exhibits listed below will actually be necessary at the hearing. Additionally, since the
3 Respondent has not answered the Appellants' interrogatories, it is impossible to know whether
4 there will be additional witnesses or exhibits for the hearing, including, but not limited to, City of
5 Seattle employees and contractors, and City of Seattle documents and contractors' documents.
6 And, after receipt of responses to written interrogatories and all the documents requested, the
7 Appellant may schedule depositions based on the information received. Accordingly, given the
8 truncated time to hearing, the Appellant's witnesses and exhibit list may not be available until the
9 cut-off date for the final witness list and final exhibit list. If information from the Respondent
10 becomes promptly available and if the information provided can be quickly digested (as opposed
11 to tens of thousands of documents at one time), then Appellant will supplement this Preliminary
12 Witness and Document list as such information becomes available. Additionally, the Appellant
13 reserves the right (a) to call any witness identified by any party, (b) to use any of the documents
14 identified by any other party, (c) to call substitute witnesses if any identified witness becomes
15 unavailable, (d) to call rebuttal witnesses, (e) to call additional witnesses as allowed by Seattle
16 Hearing Examiner Rules, and. (f) to supplement this preliminary witness and document list as new
17 or more information becomes available.

18 **II. WITNESS LIST**

19
20 Appellant may call the following witnesses to testify at the appeal hearing. The general
21 subject matter of their expected testimony is noted below.
22
23

1 **AIR/NOISE POLLUTION**

2
3 1. Dr. Timothy (Tim) Larson (tlarson@uw.edu, 206-543-6815, UW Campus Wilcox Bldg
4 269). Dr. Larson is a professor in the Department of Civil & Environmental Engineering and
5 the Department of Environmental & Occupational Health Sciences, where he teaches courses
6 on air pollution control and air quality modeling. He is also the co-director of the Master of
7 Science in Civil Engineering: Energy Infrastructure. Larson has over 35 years of experience
8 in air quality research, specifically in characterization of urban air pollution and its sources.
9 His major focus in recent years has been on assessment of human exposure to outdoor air
10 pollutants, and he has collaborated with other UW researchers on many projects related to the
11 health consequences of exposure to air pollution. Dr. Larson’s education includes a Bachelor
12 of Science in Chemical Engineering, Lehigh University, 1968; a Master of Science in
13 Chemical Engineering., University of Washington, 1972; and a Ph.D. in civil engineering
14 from the University of Washington, 1976. He is Co-Principal Investigator for Mobile
15 Observations of Ultrafine Particles (MOV-UP) Study. <http://deohs.washington.edu/mov-up>.
16 Dr. Larson is expected to testify, regarding air pollution issues in North Beacon Hill and the
17 inadequacy of the City’s analysis in the FEIS. (2.5 hours)

18
19 2. Dr. Troy D. Abel (Troy.Abel@wwu.edu, 360-739-65960. Dr. Abel’s research and teaching
20 interests focus on the dynamic tensions of environmental science and democratic politics in
21 the fields of environmental justice, information disclosure and climate governance. He is an
22 Associate Professor of Environmental Policy at Western Washington University’s Huxley
23 College of the Environment, a co-recipient of the Lynton Keith Caldwell award for the MIT

1 Press publication Coming Clean: Information Disclosure and Environmental Performance,
2 and more recently, Dr. Abel published a series of articles in the American Journal of Public
3 Health, Interdisciplinary Environmental Review, and Sustainability on the intersections
4 between environmental injustice, gentrification and sustainability in Seattle, WA. He is
5 currently the principal investigator on a Climate Risk Governance study funded by the
6 National Science Foundation and a co-lead on a Collaborative Problem Solving and
7 Environmental Justice project funded by the EPA. Dr. Abel has directed or co-directed
8 extramurally funded research projects that total more than 1.6 million dollars and is a
9 recognized North American expert on environmental information disclosure and
10 environmental justice, the American Editor of the International Journal of Environment and
11 Pollution, and has served as an expert panelist for the US Environmental Protection Agency's
12 Science Advisory Board. Recent publication "Risky Business: Sustainability and Industrial
13 Land Use Across Seattle's Gentrifying Riskscape", Sustainability, Vol 7, Issue 11. Dr. Abel
14 is expected to testify, regarding air and noise pollution issues in North Beacon Hill and the
15 inadequacy of the City's analysis in the FEIS. (2.5 hours)

16 **HISTORIC RESOURCES**

- 17
- 18 3. Frederica Merrell (2817 14th Ave. S, Seattle, WA 98144) - author, resident of North
19 Beacon Hill for more than 30 years and former member of the BHCS. Ms. Merrell is
20 expected to testify on Beacon Hill's historic and cultural resources, the existing character
21 and aesthetics of housing in the North Beacon Hill Urban Village and the extent to which
22 the City failed to fund an adequate analysis of those resources. (30 Minutes).
- 23

- 1 1. MHA FEIS and related Appendices, including the maps and analyses of the North Beacon
2 Hill Neighborhood and Urban Village. See, e.g., Appendix H-55.
- 3 2. North Beacon Hill Neighborhood Plan, Comprehensive Plan (City of Seattle).
- 4 3. North Beacon Hill Neighborhood Plan (February 1999).
- 5 4. North Beacon Hill Neighborhood Plan Update (January 2010)
- 6 5. Seattle Transit Communities: Integrating Neighborhoods with Transit (Seattle Planning
7 Commission, 2010).
- 8 6. North Beacon Hill Town Center Urban Design Framework (Seattle DPD, October 2011).
- 9 7. Aerial Photos
- 10 8. Maps, Including Draft Zoning Changes for North Beacon Hill Urban Village and North
11 Beacon Hill Town Center
- 12 9. Principles for MHA Implementation (City of Seattle)

13
14 **AIR/NOISE POLLUTION**

- 15 10. Interstate 90 Traffic 120,000 vehicles per day. I-5 Traffic 250,00 vehicles per day. Annual
16 Traffic Report. *Washington State Dept. of Transportation*. 2016:
17 <http://www.wsdot.wa.gov/mapsdata/travel/annualtrafficreport.htm>
- 18 11. Mike Lindbloom. “Seattle is a world-class city – for traffic congestion” *Seattle Times*, 2-21-
19 17. [https://www.seattletimes.com/seattle-news/transportation/seattle-is-a-world-class-city-for-
20 traffic-congestion/](https://www.seattletimes.com/seattle-news/transportation/seattle-is-a-world-class-city-for-traffic-congestion/)
- 21 12. Seattle-Tacoma International Airport 2016 Annual Activity Report. *Port of Seattle, Airport*
22 *Statistics*: [https://public.tableau.com/profile/portofseattlebi#!/vizhome/Sea-
23 TacAirportActivityReportTP/Cover](https://public.tableau.com/profile/portofseattlebi#!/vizhome/Sea-TacAirportActivityReportTP/Cover)

- 1 13. Seattle-Tacoma International Airport Overall Runway Use Jan 1, 2011 – June 30, 2012. *Port*
2 *of Seattle, Airport Noise, Runway Use Information:*
3 https://www.portseattle.org/Environmental/Noise/Documents/RunwayOverviewJan_June
4 [2012.pdf](https://www.portseattle.org/Environmental/Noise/Documents/RunwayOverviewJan_June)
- 5 14. Port of Seattle Flight Patterns: <https://www.portseattle.org/Environmental/Noise/Noise->
6 [Abatement/Pages/Flight-Patterns.aspx](https://www.portseattle.org/Environmental/Noise/Noise-)
- 7 15. Port of Seattle Flight Patterns Overlaid over Beacon Hill Neighborhood:
8 <https://1drv.ms/f/s!AsxiHr7uaVr-oRct2Gdo6JR7tCul>
- 9 16. Up to 75 dBA in the Draft Environmental Impact Statement (DEIS) for the 2035 Seattle:
10 [Comp Plan for mid-BH. Table 3.3 – 2 page 3.3 -7](https://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/p2273574.p)
11 https://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/p2273574.p
12 [df](https://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/p2273574.p)
- 13 17. Up to 82 dBA WWU & Cleveland High School Environmental Club 2-18-18 Noise
14 Measurement at Cleveland High School and Maple Elementary School:
15 <https://1drv.ms/f/s!AsxiHr7uaVr-oRSjLhQHgp79rNEJ>
- 16 18. 2014-2034 Port of Seattle Sustainable Airport Master Plan (SAMP) What’s Coming?
17 (Increase in passengers and flights): <https://www.portseattle.org/Business/Construction->
18 [Projects/Airport-Projects/Pages/airport-master-plan.aspx](https://www.portseattle.org/Business/Construction-)
- 19 19. Century Agenda, Strategic Objectives, *Port of Seattle, About the Port*. April 2017 See
20 Strategic Objective 1: <https://www.portseattle.org/About/Commission/Pages/Century->
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- 3 22. Health Consultation: Summary of Results of Duwamish Valley Regional Modeling and
4 Health Risk Assessment. *Washington State Dept. of Health 2008. Dept. of Health 2008*:
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6 [14-2008.pdf](https://www.atsdr.cdc.gov/HAC/pha/Duwamish_Valley/Duwamish_Valley_%20HC%207-14-2008.pdf)
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8 02-21. Washington State Dept of Ecology, Air Quality Program. 2009:
9 <https://fortress.wa.gov/ecy/publications/documents/0902021.pdf>
- 10 24. Final Report: Integrated Science Assessment for particulate Matter. *U.S. Dept of Ecology Air*
11 *Monitoring Network*: <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=216546>
- 12 25. Air Pollution and Your Health. *Puget Sound Clean Air Agency*:
13 <http://www.pscleanair.org/airquality/airqualitybasics/health/Pages/default.aspx>
- 14 26. Weisel, Clifford. Assessing Exposure to Air Toxics Relative to Asthma Environmental Health
15 Perspectives 10, Supplement 4 (August 2002): 527-535:
16 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1241201/>
- 17 27. Peden, David. Pollutants and Asthma: Role of Air Toxics. *Environmental Health Perspectives*
18 10, Supplement 4 (August 2002): 565-568:
19 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1241207/>
- 20 28. Study MOV-UP: Mobile Observations of Ultrafine Particles, University of Washington:
21 <http://deohs.washington.edu/mov-up>
- 22
23

- 1 29. EPA Awards UW \$3M grant to study links between pollution, heart disease:
2 [https://www.seattletimes.com/seattle-news/health/epa-awards-uw-3-m-grant-to-study-links-](https://www.seattletimes.com/seattle-news/health/epa-awards-uw-3-m-grant-to-study-links-between-pollution-heart-disease/)
3 [between-pollution-heart-disease/](https://www.seattletimes.com/seattle-news/health/epa-awards-uw-3-m-grant-to-study-links-between-pollution-heart-disease/)
- 4 30. Swift, H. A review of the Literature related to Potential Health Effects of Aircraft Noise,
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7 [healtheffectnoise.pdf](http://web.mit.edu/aeroastro/partner/reports/proj19/proj19-healtheffectnoise.pdf)
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10 [LiteratureReview.pdf](http://sboh.wa.gov/Portals/7/Doc/Meetings/2017/03-08/Tab10b-LiteratureReview.pdf)
- 11 32. Burden of disease from environmental noise. *World Health Organization, Quantifying*
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- 7 38. Presentation on “Equity mapping in Seattle and Beacon Hill” by Dr. Bill Daniell on June 6,
8 2017 at the Beacon Hill Council community meeting: [https://1drv.ms/f/s!AsxiHr7uaVr-](https://1drv.ms/f/s!AsxiHr7uaVr-oRrx8BQD-jEln0Js)
9 [oRrx8BQD-jEln0Js](https://1drv.ms/f/s!AsxiHr7uaVr-oRrx8BQD-jEln0Js)
- 10 39. June 2016 Beacon Hill Neighborhood Survey Data Results documenting 60% concern over
11 “4. Public health impact of noise and airplane emissions”:
12 <http://www.northbeaconhillcouncil.org/bhcs-blog/archives/07-2016>
- 13 40. July 16, 2016 Letter to Council re Air & Noise Pollution data from June 2016 Beacon Hill
14 Neighborhood Survey Results: [http://www.northbeaconhillcouncil.org/bhcs-blog/archives/07-](http://www.northbeaconhillcouncil.org/bhcs-blog/archives/07-2016)
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- 16 41. February 17, 2017 Letter to Council re: HALA MHA which includes air and noise pollution
17 concerns. Online: https://1drv.ms/f/s!AsxiHr7uaVr-oQ2ODQj79l_i56wq
- 18 42. BHCS comments on the draft MHA EIS:
19 [http://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/4-](http://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/4-5_CommentsG-M_Marked_MHA_FEIS_2017.pdf)
20 [5_CommentsG-M_Marked_MHA_FEIS_2017.pdf](http://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/4-5_CommentsG-M_Marked_MHA_FEIS_2017.pdf)
- 21 43. City of Seattle responses to BHCS comments on the draft MHA EIS:
22 [http://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/4-](http://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/4-3_Written_Comment_Responses_MHA_FEIS_2017.pdf)
23 [3_Written_Comment_Responses_MHA_FEIS_2017.pdf](http://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/4-3_Written_Comment_Responses_MHA_FEIS_2017.pdf) and

1 [http://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/4-](http://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/4-2_Response_to_Frequent_Comments_MHA_FEIS_2017.pdf)
2 [2_Response_to_Frequent_Comments_MHA_FEIS_2017.pdf](http://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/4-2_Response_to_Frequent_Comments_MHA_FEIS_2017.pdf)

3 44. Dec. 2, 2017 El Centro EPA Air & Noise Pollution Health Impacts Project Community
4 Action Plan developed with input by 467 community participants:

5 <https://1drv.ms/f/s!AsxiHr7uaVr-oRIMVQbJT09eJbt2>

6 45. March 2018 Change.org Petition to FAA & Congress for Beacon Hill Seattle: Airplane Noise
7 Reduction & Mitigation 1,260 supporters with 388 hard copy petition supporters Online:

8 [https://www.change.org/p/el-centro-needs-your-help-with-our-petition-to-faa-congress-for-](https://www.change.org/p/el-centro-needs-your-help-with-our-petition-to-faa-congress-for-beacon-hill-seattle-airplane-noise-reduction-mitigation)
9 [beacon-hill-seattle-airplane-noise-reduction-mitigation](https://www.change.org/p/el-centro-needs-your-help-with-our-petition-to-faa-congress-for-beacon-hill-seattle-airplane-noise-reduction-mitigation)

10 46. King County International Airport Master Plan Update:

11 [http://www.kingcounty.gov/transportation/kcdot/Airport/Planning/master-plan-](http://www.kingcounty.gov/transportation/kcdot/Airport/Planning/master-plan-update.aspx)
12 [update.aspx](http://www.kingcounty.gov/transportation/kcdot/Airport/Planning/master-plan-update.aspx) and [https://kingcountyaairportblog.com/2016/09/29/master-plan-update-open-](https://kingcountyaairportblog.com/2016/09/29/master-plan-update-open-house-gets-conversations-going/)
13 [house-gets-conversations-going/](https://kingcountyaairportblog.com/2016/09/29/master-plan-update-open-house-gets-conversations-going/)

14 15 **HISTORIC RESOURCES**

16 47. North Beacon Hill Historic Context Statement, City of Seattle Department of
17 Neighborhoods (May 2004):

18 [http://www.seattle.gov/Documents/Departments/Neighborhoods/HistoricPreservation/Hist](http://www.seattle.gov/Documents/Departments/Neighborhoods/HistoricPreservation/HistoricResourcesSurvey/context-beacon-hill.pdf)
19 [oricResourcesSurvey/context-beacon-hill.pdf](http://www.seattle.gov/Documents/Departments/Neighborhoods/HistoricPreservation/HistoricResourcesSurvey/context-beacon-hill.pdf).

20 48. North Beacon Hill Historic Resources Survey Database (City of Seattle):

21 [http://web6.seattle.gov/DPD/HistoricalSite/QueryResults.aspx?QRY=ATTR&YEBUS=&](http://web6.seattle.gov/DPD/HistoricalSite/QueryResults.aspx?QRY=ATTR&YEBUS=&YEBUE=&ST=&NE=North+Beacon+Hill&AR=)
22 [YEBUE=&ST=&NE=North+Beacon+Hill&AR=](http://web6.seattle.gov/DPD/HistoricalSite/QueryResults.aspx?QRY=ATTR&YEBUS=&YEBUE=&ST=&NE=North+Beacon+Hill&AR=)

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5 9789738528618. <https://www.arcadiapublishing.com/Products/9780738528618>.

6
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10 [hill-community-rallies-to-denounce-esther-little-dove-johns-displacement/](https://southseattleemerald.com/2017/10/28/beacon-hill-community-rallies-to-denounce-esther-little-dove-johns-displacement/).

11 52. Beacon Hill Neighborhood Survey Results, 7/28/2016:

12 <http://www.northbeaconhillcouncil.org/bhcs-blog/beacon-hill-neighborhood-survey-results>

13
14 **TRANSPORTATION/NEIGHBORHOOD PLAN**

15 53. “North Beacon Hill Neighborhood Plan Update Recommendations to City Council”,
16 January 2010:

17 http://www.seattle.gov/dpd/cityplanning/vault/cs/groups/pan/@pan/documents/web_infor
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19 54. North Beacon Hill Urban Design Framework, October 2011:

20 http://www.seattle.gov/dpd/cityplanning/vault/cs/groups/pan/@pan/documents/web_infor
21 [mational/s048255.pdf](http://www.seattle.gov/dpd/cityplanning/vault/cs/groups/pan/@pan/documents/web_infor)

22 55. Beacon Hill Neighborhood Survey Results, 7/28/2016:

23 <http://www.northbeaconhillcouncil.org/bhcs-blog/beacon-hill-neighborhood-survey-results>

1 56. North Beacon Hill zoning and land use amendments approved by Seattle City Council:

2 <http://clerk.seattle.gov/~scripts/nph->

3 [brs.exe?s3=&s4=123852&s5=&s1=&s2=&S6=&Sect4=AND&l=0&Sect2=THESON&Se](http://clerk.seattle.gov/~scripts/nph-brs.exe?s3=&s4=123852&s5=&s1=&s2=&S6=&Sect4=AND&l=0&Sect2=THESON&Se)

4 [ct3=PLURON&Sect5=CBORY&Sect6=HITOFF&d=ORDF&p=1&u=%2F~public%2Fcb](http://clerk.seattle.gov/~scripts/nph-brs.exe?s3=&s4=123852&s5=&s1=&s2=&S6=&Sect4=AND&l=0&Sect2=THESON&Sect3=PLURON&Sect5=CBORY&Sect6=HITOFF&d=ORDF&p=1&u=%2F~public%2Fcb)

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

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

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18
19 DATED: April 2, 2018 at Seattle, WA.

20 BEACON HILL COUNCIL OF SEATTLE

21 By _____
22 Mira Latoszek, Representative for BHCS

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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that this Preliminary Witness and Exhibit list was served on all the parties' attorneys of record or on their authorized representatives of record at the email addresses listed below:

Friends of Ravenna Cowen jebendich@comcast.net; Coalition for Affordability newman@bnd-law.com; Fremont NC toby@louplop.net; Friends of North Rainier masteinhoff@gmail.com; PCD_MHAEIS MHAEIS@seattle.gov; Daniel B Mitchell Daniel.Mitchell@seattle.gov; Geoffrey Wentlandt Geoffrey.Wentlandt@seattle.gov; Jeff S Weber Jeff.Weber@seattle.gov; Alicia Reiss alicia.reise@seattle.gov; Tadas Kiselius tak@vnf.com; Cara Tomlinson cat@vnf.com; Amanda Kleiss ack@vnf.com; Dale Johnson dnj@vnf.com; Clara Park cpark@vnf.com; SUN booksgalore22@gmail.com; Wallingford CC lee@lraaen.com; West Seattle Junction rkoehler@cool-studio.net; West Seattle Junction Gen admin@wsjuno.org.

This document has been filed by E-file with the Seattle Hearing Examiner's Office, Ryan Vancil, Deputy Hearing Examiner.

Dated: April 13th, 2018 at Seattle, Washington.

By: _____
Mira Latoszek, Declarant