

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)

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**APPELLANT'S LIST OF PROPOSED
WITNESSES AND EXHIBITS**

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

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.

2. Andrew Brick

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

3. 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 is contained within the Analysis of Headway Data and his qualifications are set forth within his resume.

4. Marcel Bodsky,

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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. His testimony is supported by the annotated renditions of proposed structures, showing view blockage and shadow impacts and photographs taken from the Fini Condos site and his qualifications are set forth within his resume.

5. Irene Wall

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

6. Laura Reymore,

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

7. Elizabeth Johnson,

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

8. Jan Weldin

Ms Weldin is a resident of Phinney Ridge and a board member of Livable 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.

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 Checklist
- 2. GTC traffic & parking reports, including responses to correction notices
- 3. Project Plan sets
- 4. Design Review Board recommendations
- 5. SDCI Analysis & Decision
- 6. Code interpretation
- 7. Urban village maps (citywide and Phinney/Greenwood UV)
- 8. City of Seattle Design Guidelines
- 9. Greenwood/Phinney Ridge Design Guidelines
- 10. CAM 238 (eff. 3-13-08)
- 11. TIP 238 (eff. 2-11-16)

- 1 12. Tip 117 (effective 3-2011)
- 2 13. Order in MUP 15-009(W) (Roosevelt Neighbors)
- 3 14. Decision in MUP-14-006-S-14-001(NERDS)
- 4 15. GeoTech Report, document dated 9.25.09 in SDCI Application 3006773
- 5 16. Correction Notice in dated 3/30/17 in SDCI Application 3023260
- 6 17. All documents within project file 3010114 (e.g.,city exhibits 24 & 25)
- 7 Expert witness reports and documents (previously furnished)
- 8
- 9 18. Altschul, Analysis of Headway Data
- 10 19. Altschul, Bus Data presentation
- 11 20. Resume, Roberto Altschul, Phd.
- 12 21. Bodsky, view from Fini (1)
- 13 22. Bodsky, view from Fini (2)
- 14 23. Bodsky, ViewAnalysis w Applic CAD file
- 15 24. Resume, Marcel Bodsky Architect
- 16 25. Crippen, Parking Demand Comparison
- 17 26. Resume, David Crippen
- 18 Exhibits not previously furnished or otherwise available
- 19
- 20 27. King County Metro, Route 5 date spreadsheet
- 21 28. King County Metro, 2016 System Evaluation, September 2016
- 22 29. SDOT map, restricted parking in project area
- 23 30. Photos, on-street parking
- 24 31. Shadowing by 6726 project, including on January 21st at noon
- 25 32. Summary Greenwood-Phinney proposed Construction Projects

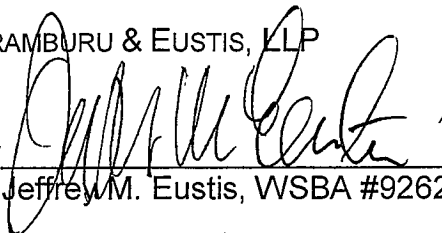
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- 33. Legislative memo, Updates to MF zones, March 20, 2010
- 34. SEPA checklist for MF code changes, April 21, 2010
- 35. Background resource material for Crippen report
 - a. Tip 117
 - b. Oregon City Parking Study
 - c. ITE Manual Excerpt LU 221 4th Edition
 - d. ITE Parking Generation 3rd Edition Excerpts
 - e. KC Right Size Parking Calculator
 - f. Seattle Bike MP Map Phinney Protected Bike Lane
 - g. SPACK ITE trip generation rates
 - h. Strategic Planning Office 2000 Neighborhood Parking Study
 - i. Future Development Capacity Group 3 pipeline projects
 - j. Future Development Capacity Group 1
 - h. Future Development Capacity Group 2
 - i. PRCC, Comments on 6726 Traffic and Parking Study, March, 2016
 - j. PRCC, Comments on 6726 Traffic and Parking Study, July 25, 2016

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 26th 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
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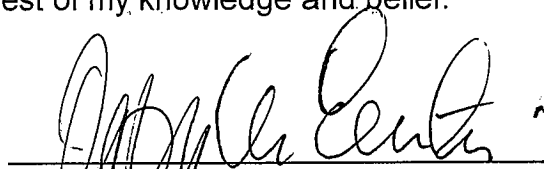
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

DATED: April 26, 2017.



Jeffrey M. Eustis