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BEFORE THE HEARING EXAMINER
FOR THE CITY OF REDMOND

In the Matter of the Appeal of

Abbey Road Homeowners Association,
Neil Barnett, Manaji Sukuzi, John Stilin,
and Sherry Stilin

Of the July 26, 2018 Determination of
Non-Significance (SEPA-2018-00640) for
Emerald Heights Assisted/Independent
Living (LAND-2018-00586/LAND-2018-
00617) proposed at 10901 – 176th Circle
NE, Redmond

NO. APL LAND-2018-00920

APPELLANTS’ FINAL SEPA
APPEAL WITNESS AND EXHIBIT
LIST

Pursuant to the Hearing Examiner’s Scheduling Order Following Second Pre-Hearing
Conference (Nov. 19, 2018), Appellants submit the following list of witnesses and exhibits for the
SEPA Appeal portion of the hearing:

I. WITNESSES

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

1. John Stilin. Mr. Stilin is a resident in the Abbey Road Neighborhood and a member of
the Abbey Road Homeowner’s Association. If called, Mr. Stilin is expected to testify about the
existing environment at the project site and in the surrounding area, including the Abbey Road

1 neighborhood. He may also testify about certain probable significant adverse impacts of the Proposal
2 and the inadequacy of the disclosure and analysis of those impacts by the City of Redmond Planning
3 Director. The impacts that he may discuss include, but are not limited to privacy impacts, light
4 impacts, public service impacts, tree impacts, land use impacts, aesthetic impacts; housing impacts,
5 safety impacts, parking impacts, traffic impacts, and construction impacts. Mr. Stilin may also testify
6 about facts that are relevant to provide context or background for expert and legal discussion about
7 the Proposal's environmental impacts. He may also testify about the history of permitting and SEPA
8 review on the Emerald Heights property.
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10 2. Kaiyu Zhao. Mr. Zhao is a resident of the Abbey Road neighborhood and a member
11 of the Abbey Road Homeowner's Association. If called, Mr. Zhao is expected to testify about the
12 existing environment at the project site and surrounding area and about the significant traffic impacts,
13 privacy impacts, aesthetic impacts, noise impacts, land use impacts, odor and health impacts, and
14 construction impacts to his family, his neighbors, and himself.
15

16 3. Peter Steinbrueck. Steinbrueck Urban Strategies. Mr. Steinbrueck will testify as an
17 expert witness about land use and aesthetic (including height bulk and scale) issues. He is expected to
18 describe the existing environment, specify the probable significant adverse impacts that will be caused
19 by the Proposal, and discuss reasonable mitigation that should have been considered related to land
20 use and aesthetics (including height, bulk, and scale). He is expected to testify that the Planning
21 Director did not require or collect the necessary and adequate information upon which to make a
22 determination on whether the Proposal would have significant adverse impacts related to land use and
23 aesthetics (including height, bulk, and scale). He is expected to testify that the significant adverse
24 environmental impacts related to land use and aesthetics were not adequately disclosed, analyzed, or
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1 mitigated by the Planning Director. Mr. Steinbrueck's Curriculum Vitae is included in Appellant's
2 exhibit list.

3 4. Favero Greenforest, Greenforest Incorporated. Mr. Greenforest is an arborist who will
4 testify as an expert witness about the landscape plan proposed for the Emerald Heights Proposal. Mr.
5 Greenforest's Curriculum Vitae is included in Appellant's exhibit list.
6

7 5. Mark Finocchio. Mr. Finocchio supervised and directed the design of graphics that
8 are being offered as exhibits by appellants. If necessary, he will testify about how those exhibits were
9 made. Appellants believe he is a lay witness, but he does have some expertise and education in
10 drafting and design that may lead the Examiner to qualify him as an expert witness.

11 6. Witnesses named by other parties in this matter.

12 Appellants reserve the right to call additional rebuttal witnesses; to supplement this
13 disclosure with witnesses and/or experts as the case is developed; to call records custodians to
14 verify the authenticity of records; to call any witnesses identified by other parties to this appeal and
15 to call rebuttal witnesses; and to call replacement witnesses if any of the witnesses identified above
16 become unavailable.
17

18 II. SEPA EXHIBITS

19 Appellants identify the following exhibits they may use at the SEPA hearing in this matter:

- 20 1. SEPA Appeal (Aug. 22, 2018).
- 21 2. Peter Steinbrueck Curriculum Vitae
- 22 3. Favero Greenforest Curriculum Vitae
- 23 4. Emerald Heights Landscape Plan (pages 1-3) (Sep. 6, 2018).
- 24 5. Emerald Heights Design Review packet for ILB (Sep. 6, 2018).
- 25 6. Emerald Heights Design Review packet for ALB (Sep. 6, 2018).
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- 1 7. [Removed.]
- 2 8. [Removed.]
- 3 9. 20110516 Hearing Examiner Decision - May, 16, 2011 – Rezone.
- 4 10. Emerald Heights Rezone Application (June, 2010), Environmental Checklist
- 5 11. 2010 Emerald Heights Rezone Application Conceptual Plan.
- 6 12. City of Redmond Ordinance No. 1454 (including Exhibit A, with Attachments 1, 2
- 7 and 3.).
- 8 13. Addendum to EIS for Redmond Heights (April, 1988).
- 9 14. Emerald Heights Roof Site Line Study (Jun. 4, 2018) with added modifications.
- 10 15. Photographs of Abbey Road homes and subdivision.
- 11 16. Photographs of Abbey Road trail.
- 12 17. Photographs of Greenbelt.
- 13 18. Photographs of Trees.
- 14 19. Tree Study.
- 15 20. Tree Renderings.
- 16 21. Setback Photograph.
- 17 22. ALB Tree Rendering (Aug. 2017).
- 18 23. Appendix P: Set-Aside Requirements by Washington State (Revised 10/2018).
- 19 24. Assessed Value Projections and Tax Exempt Properties - King Co Fire Commissioners
- 20 Assoc (Feb. 26, 2018).
- 21 25. Setback Comparison Chart and Photos.
- 22 26. Abbey Road Homeowners Association: Comment Letter on Design Standards
- 23 Checklist (undated).
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- 1 27. Regulatory Agreement Emerald Heights and WA State Housing Finance Commission.
- 2 28. Hefferon Study Area Traffic Confirmation (July 13, 2017).
- 3 29. Redmond to Tackle Senior Housing Again, *Journal American* (May 15, 1988).
- 4 30. Retirement Care Facilities Data Charts.
- 5 31. Calls for Service Analysis of RFD Data.
- 6 32. 2002 Emerald Heights Design Intent Memo.
- 7 33. Institutional Building Setbacks Chart.
- 8 34. Technical Committee Agenda (Oct. 31, 2018).
- 9 35. Traffic Impact Analysis - June 4, 2010.
- 10 36. Transportation Data.
- 11 37. Emerald Heights - Independent Living Building - Design Standards Checklist -
12 Highlighted - Notated.
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- 15 38. Emerald Heights Drone Flyover (Video).
- 16 39. Comparison of Redmond Retirement Residences Graphic.
- 17 40. Assisted Living Building Massing Graphic.
- 18 41. Design Review Graphic highlighting ALB Dimensions and Length.
- 19 42. Institutional Building Sq. Ft. Comparison – LWSD vs. Emerald Heights.
- 20 43. King Co iMap - Abbey Road HOA Boundary.
- 21 44. King Co iMap - Aerial Overview
- 22 45. Memo from Sticka Confirming Measurements for Building from EH.
- 23 46. New Trailside Building (2013).
- 24 47. Photos from Huang Home.
- 25 48. Skogland Home Photo
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- 49. Green Space Calc. Comparison for EH and Abbey Road.
- 50. Emerald Heights Setbacks from Property Line - Eastside Only.
- 51. Emerald Heights Setbacks from Property Line.
- 52. Final DRB East Elevation with heights shown (Sept. 6, 2018).
- 53. Emerald Heights - Assisted Living Building - Design Standards Checklist -
Highlighted – Notated.
- 54. Kaiyu Zhao, E-mail EH.
- 55. [Removed.]
- 56. *Engquist et. al. v. Lake Washington School District*, Hearing Examiner Findings,
Conclusions, and Recommendation. (Feb. 18, 2000).
- 57. Abstract on Kitchen Chimney Impacts by Kaiyu Zhao (Dec. 21, 2018).
- 58. Documents identified by the City of Redmond as core documents in email from Kate
Hambley to Claudia Newman and Rich Hill (Dec. 5, 2018).
- 59. Exhibits that are identified by other parties in this matter.


In addition to the exhibits identified above, appellants reserve the right to introduce additional exhibits as allowed by the Hearing Examiner Rules, and to introduce additional exhibits during cross-examination or rebuttal.

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Dated this 3rd day of January, 2019.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP

By: 

Claudia M. Newman, WSBA No. 24928
Attorneys for Appellants