

Description

W-17-006 - W-17-014
Wallingford Community Council, et al.
Mandatory Housing Affordability FEIS
Hearing, Day 1
Monday, June 25, 2018

Time: 9:00 a.m.
Examiner: Ryan Vancil
Assistant: Alayna Johnson

Party Representatives:

Claudia Newman and David Bricklin, Counsel for SCALE

Judith Bendich, Friends of Ravenna-Cowen

Toby Thaler, Fremont Neighborhood Council

Lee Raaen, Wallingford Community Counsel

Toby Thaler, Fremond Neighborhood Council

Mira Latoszek, Beacon Hill Council of Seattle

Talis Abolins, North Rainier Neighborhood Plan

Deb Barker, Morgan Community Association

Dale Johnson, Counsel for the City of Seattle

Jeff Weber, Counsel for the City of Seattle

Daniel Mitchell, Counsel for the City of Seattle

Date

6/25/2018

Location

Large Hearing Room

<u>Time</u>	<u>Speak</u>	<u>Note</u>
9:05:27 AM		Hearing Examiner opens hearing and begins opening statement.
9:10:33 AM		Hearing Examiner dismisses Motion in Limine.
9:10:57 AM		Discussion of the hearing schedule.
9:11:10 AM		Dale Johnson, Counsel for the City, offers proposed dates for continuation of the hearing.
9:13:19 AM		Hearing will continue on August 30th and 31st, and September 4th.
9:17:09 AM		Judith Bendich asks procedural question.
9:17:35 AM		Toby Thaler asks procedural question.
9:22:08 AM		David Bricklin asks procedural question.
9:25:30 AM		Parties are introduced.
9:25:33 AM		Lee Raaen, for WCC, Judith Bendich for FRC, Claudia Newman and David Bricklin for SCALE, David Ward for SUN, Talis Abolins for FNR, Deb Barker for MoCA, Mira Latoszek for BHCC, and Toby Thaler for FNC, Appellants, are present.
9:26:43 AM		Dale Johnson, Jeff Weber, and Daniel Mitchell, counsel for the City, are present.
9:27:03 AM		Bendich asks procedural question regarding exhibits.
9:28:59 AM		Johnson asks procedural question.
9:30:47 AM		Johnson offers binders of exhibits to be offered.
9:31:45 AM		Johnson moves to admit City of Seattle Exhibit 1, Draft EIS and appendices dated June 8, 2017, City Exhibit 2, FEIS and appendices dated November 9, 2017, City Exhibit 3, City of Seattle 2035 Comprehensive Plan, City Exhibit 4, Comprehensive Plan DEIS, and City Exhibit 5, 2035 Comprehensive Plan FEIS.
9:34:48 AM		Exhibits 1-5 are admitted.
9:35:40 AM		Bricklin calls Peter Steinbrueck as a witness and he is sworn in.
9:36:19 AM		Bricklin begins direct examination of Steinbrueck.
9:39:44 AM		Bricklin offers Peter Steinbrueck's resume and it is marked as Exhibit 6.
9:40:38 AM		Bricklin moves to admit Exhibit 6 and it is admitted.
9:49:20 AM		Bricklin asks about Exhibit 3, the 2035 Comprehensive Plan.
10:12:20 AM		Bricklin asks about Exhibit 2.
10:20:39 AM		Bricklin offers "Relevant Comp Plan Goals & Policies not listed, analyzed or discussed in HALA EIS" created by Steinbrueck and it is marked as Exhibit 7.
10:24:51 AM		Bricklin offers "Inconsistent Comp Plan Policies by Topic" created by Steinbrueck and it is marked as Exhibit 8.
10:26:19 AM		Johnson asks question about exhibit.
10:27:47 AM		Bricklin moves to admit Exhibits 7 and 8. Johnson objects.
10:28:01 AM		Exhibit 7 is admitted. Exhibit 8 is admitted except for the footnote which was not in the copy provided to the City. A new copy of Exhibit 8 without the footnote will be provided and admitted.
10:35:04 AM		Break. Back at 10:45.
10:47:38 AM		Back on the record.
10:47:46 AM		Bricklin continues direct examination of Steinbrueck.

11:12:38 AM	Bricklin asks about Appendix H of Exhibit 2.
11:43:45 AM	Bricklin asks about pages 178 and 179 of Chapter 3 of the EIS.
11:53:11 AM	Bricklin asks about Appendix A of Exhibit 2.
12:00:53 PM	Scheduling discussion.
12:02:26 PM	Steinbrueck will come back at 9 a.m. on Wednesday.
12:02:38 PM	Break. Back at 1:00 p.m.
1:01:45 PM	Back on the record. Procedural discussion.
1:07:11 PM	Bricklin calls Eugenia Woo as a witness and she is sworn in.
1:07:31 PM	Bricklin begins direct examination of Woo.
1:14:52 PM	Bricklin offers Eugenia Woo's resume and it is marked as Exhibit 9.
1:15:18 PM	Exhibit 9 is admitted.
1:19:45 PM	Bricklin offers "Older, Smaller, Better: Measuring how the character of buildings and blocks influences urban vitality" dated May 2014 from the Preservation Green Lab and it is marked as Exhibit 10.
1:26:52 PM	Bricklin offers a Seattle fact sheet from the Perservation Green Lab and it is marked as Exhibit 11.
1:29:45 PM	Bricklin moves to admit Exhibits 10 and 11 and they are admitted.
1:30:55 PM	Bricklin offers a letter to Samuel Assefa from Kji Kelly dated 6/30/2017 and it is marked as Exhibit 12.
1:36:53 PM	Bricklin offers letter to Diane Sugimura from Kji Kelly dated 10/30/2015 and it is marked as Exhibit 13.
1:46:42 PM	Bricklin offers screenshots from the Historic Presrvation Program website and they are marked as Exhibit 14.
1:47:28 PM	Bricklin moves to admit Exhibits 12 and 13 and they are admitted.
1:52:34 PM	Bricklin offers the Beacon Hill Historic Context Statement, dated May 2004, from the City of Seattle Department of Neighborhoods and it is marked as Exhibit 15.
2:01:12 PM	Bricklin offers letter to OPCD from Eugenia Woo and it is marked as Exhibit 16.
2:01:41 PM	Bricklin moves to admit Exhibits 14 and 15 and they are admitted.
2:02:21 PM	Bricklin moves to admit Exhibit 16.
2:03:43 PM	Exhibit 16 is admitted.
2:03:50 PM	Bricklin offers letter to Geoffrey Wentlandt from Gregory Griffith and it is marked as Exhibit 17.
2:04:36 PM	Bricklin moves to admit Exhibit 17 and it is admitted.
2:15:54 PM	Johnson objects; calls for speculation. Bricklin rephrases question.
2:35:07 PM	Bricklin asks about Appendix H of Exhibit 2.
2:52:40 PM	Weber objects; relevance.
2:52:48 PM	Bricklin responds.
2:52:50 PM	Weber replies.
2:54:41 PM	Bricklin withdraws the question.
2:54:46 PM	Bricklin concludes.
2:54:49 PM	Bendich begins direct examination of Woo.
2:58:33 PM	Bendich concludes.
2:58:44 PM	Johnson begins cross examination of Woo.
3:01:43 PM	Bricklin objects; lack of foundation.

3:01:49 PM	Sustained.
3:15:31 PM	Break. Back at 3:25.
3:25:43 PM	Back on the record.
3:25:47 PM	Johnson continues cross examination of Woo.
3:42:18 PM	Johnson asks about Exhibit 2.
3:47:54 PM	Johnson concludes.
3:47:55 PM	Bricklin begins redirect examination of Woo.
3:48:32 PM	Johnson objects; leading. Bricklin rephrases question.
3:54:22 PM	Bricklin concludes.
3:54:29 PM	Abolins calls Spencer Howard as a witness and he is sworn in.
3:55:25 PM	Abolins begins direct examination of Howard.
4:00:18 PM	Johnson objects to the witness reading from notes.
4:00:39 PM	Overruled, but copy of notes should be provided to the parties.
4:01:26 PM	Break to copy witness notes for the City and Examiner.
4:03:19 PM	Back on the record.
4:03:52 PM	Howard's notes are marked and admitted as Exhibit 18.
4:06:46 PM	Abolins offers page of the draft EIS for a university district project as an illustrative exhibit.
4:13:19 PM	Abolins asks about Exhibit 2.
4:22:23 PM	Abolins offers a map of the City Historic Inventory and it is marked as Exhibit 19.
4:22:41 PM	Abolins moves to admit Exhibit 19.
4:22:54 PM	Exhibit 19 is admitted.
4:23:13 PM	Abolins offers Listed and Surveyed Historic Properties, Figure 1, 2018 and it is marked as Exhibit 20.
4:28:30 PM	Abolins offers MHA Relative to Listed Properties, Figure 2, 2018 and it is marked as Exhibit 21.
4:33:59 PM	Abolins offers MHA Relative to Listed Properties, Figure 3, 2018 and it is marked as Exhibit 22.
4:37:16 PM	Abolins offers Mount Baker Inventory of Buildings and Urban Design Resources and it is marked as Exhibit 23.
4:38:44 PM	Abolins offers the Mount Baker Historic Context Statement and it is marked as Exhibit 24.
4:43:24 PM	Abolins offers Map 3 Historic Use UV Expansion and it is marked as Exhibit 25.
4:45:41 PM	Abolins offers Map 4 Olmsted UV Expansion and it is marked as Exhibit 26.
4:50:19 PM	Abolins offers Map 1 Property Status UV Expansion and it is marked as Exhibit 27.
4:52:16 PM	Abolins offers Map 7 Period Built UV Expansion and it is marked as Exhibit 28.
4:55:03 PM	Abolins offers Mount Baker Park Historic District DAHP Certificate and it is marked as Exhibit 29.
4:55:59 PM	Abolins moves to admit Exhibits 20-29 and they are admitted.
4:56:08 PM	Howard will be back tomorrow for cross examination.
4:57:14 PM	Hearing Examiner closes Day 1 of the hearing.