

Description

W-17-006 - W-17-014
Wallingford Community Council, et al.
Mandatory Housing Affordability FEIS
Hearing, Day 7
Tuesday, July 24, 2018

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

Party Representatives:

David Bricklin, Counsel for SCALE

Judith Bendich, Friends of Ravenna-Cowen

Toby Thaler, Fremont Neighborhood Council

Mira Latoszek, Beacon Hill Council of Seattle

Dale Johnson, Counsel for the City of Seattle

Jeff Weber, Counsel for the City of Seattle

Date

7/24/2018

Location

Large Hearing Room

<u>Time</u>	<u>Speak</u>	<u>Note</u>
9:00:07 AM		Hearing Examiner opens Day 7 of the hearing.
9:00:16 AM		Weber brings up procedural issue regarding Exhibits 121 and 124.
9:03:39 AM		Weber concludes.
9:03:42 AM		Bricklin responds.
9:12:14 AM		Hearing Examiner rules on the issue regarding notes already in the record.
9:12:47 AM		Bricklin responds regarding pending notes of future witness.
9:15:03 AM		Bricklin concludes.
9:15:05 AM		Hearing Examiner responds.
9:15:49 AM		Thaler submits two exhibits from yesterday, Exhibits 122 and 123.
9:16:52 AM		Exhibits 121 through 124 are admitted.
9:19:01 AM		Thaler re-calls Batayola as a witness and continues direct examination.
9:19:16 AM		Thaler offers four documents as exhibits and they are marked as Exhibits 127, 128, 129, and 130.
9:31:38 AM		Thaler offers documents relating to the RSJ analysis of the EIS and they are marked as Exhibits 131 through 144.
9:56:45 AM		Thaler moves to admit Exhibits 131-144, except for 139 and 143, and they are admitted. 139 and 143 were withdrawn.
9:58:05 AM		Thaler moves to admit Exhibits 127 through 130 and they are admitted.
9:58:26 AM		Thaler concludes.
9:58:31 AM		Weber begins cross examination of Batayola.
10:01:49 AM		Weber concludes.
10:02:13 AM		Break. Back at 10:17.
10:18:31 AM		Back on the record.
10:18:38 AM		Bricklin calls David Levitus as a witness and he is sworn in.
10:19:10 AM		Bricklin begins direct examination of Levitus.
10:53:56 AM		Weber objects; hearsay.
10:54:12 AM		Bricklin responds.
10:54:43 AM		Weber replies.
10:55:07 AM		Overruled.
10:59:14 AM		Bricklin offers Levitus's notes as an exhibit.
10:59:16 AM		Weber objects; the notes are an expert report not previously disclosed. Discussion of the issue ensues.
11:06:55 AM		Objection sustained; Levitus's notes/report will not be admitted as an exhibit.
11:50:33 AM		Levitus concludes discussion of alternatives. Bricklin asks about the EIS's discussion of impacts.
12:00:31 PM		Break for lunch. Back at 1:15.
1:17:13 PM		Back on the record.
1:17:24 PM		Bricklin offers Levitus's resume and it is marked as Exhibit 145.
1:17:58 PM		Bricklin moves to admit Exhibit 145 and it is admitted.
1:41:34 PM		Hearing Examiner asks for clarification from the witness.
2:03:27 PM		Bricklin concludes.

2:03:34 PM	Weber begins cross examination of Levitus.
2:15:47 PM	Weber concludes.
2:15:49 PM	Bricklin begins redirect examination of Levitus.
2:17:24 PM	Bricklin concludes.
2:18:06 PM	Latoszek calls Roger Pence as a witness and he is sworn in.
2:18:52 PM	Latoszek begins direct examination of Pence.
2:20:40 PM	Latoszek offers North Beacon Hill Neighborhood Plan from 1999 and it is marked as Exhibit 146.
2:31:29 PM	Latoszek offers "Highlights of existing neighborhood plan and statistics for North Beacon Hill urban village" and it is marked as Exhibit 147.
2:34:29 PM	Latoszek offers information from the OPCD website and it is marked as Exhibit 148.
2:38:16 PM	Latoszek offers North Beacon Hill urban design framework and it is marked as Exhibit 149.
2:42:06 PM	Latoszek concludes.
2:42:22 PM	Latoszek moves to admit Exhibits 146 through 149 and they are admitted. Johnson begins cross examination of Pence.
2:43:30 PM	Johson concludes.
2:43:38 PM	Latoszek calls Mark Holland as a witness.
2:44:05 PM	Holland is sworn in.
2:44:12 PM	Latoszek begins direct examination of Holland.
2:52:04 PM	Latoszek offers the Director's Analysis and Decision on the North Beacon Hill rezone proposal from 2011 and it is marked as Exhibit 150.
2:54:24 PM	Latoszek offers City Council Ordinance 123575 documents and they are marked as Exhibit 151.
2:54:55 PM	Exhibits 150 and 151 are admitted.
2:58:38 PM	Latoszek concludes.
2:58:42 PM	Break. Back at 3:15.
3:15:26 PM	Back on the record.
3:15:30 PM	Latoszek calls Esther "Little Dove" John as a witness and she is sworn in.
3:16:06 PM	Latoszek begins direct examination of John.
3:19:40 PM	Latoszek offers article from the South Seattle Emerald and it is marked as Exhibit 152.
3:21:59 PM	Latoszek offers article from Puget Sound Sage and it is marked as Exhibit 153.
3:36:10 PM	Latoszek concludes.
3:36:29 PM	Latoszek moves to admit Exhibits 152 and 153 and they are admitted.
3:37:11 PM	Bendich calls Anne Ruth McGowan as a witness and she is sworn in.
3:38:01 PM	Bendich begins direct examination of McGowan.
3:40:21 PM	Bendich offers National Register of Historic Places Continuation Sheet and it is marked as Exhibit 154.
3:46:00 PM	Bendich offers photographs and they are marked as Exhibit 155, photographs a through f.

4:00:34 PM	Bendich concludes.
4:01:05 PM	Bendich calls Alexander Gagnon as a witness.
4:01:28 PM	Bendich moves to admit Exhibits 154 and 155 and they are admitted.
4:02:01 PM	Gagnon is sworn in.
4:02:11 PM	Bendich begins direct examination of Gagnon.
4:02:24 PM	Bendich offers City's answers to FRC's request for admissions and they are marked and admitted as Exhibit 156.
4:06:08 PM	Bendich offers screenshot from King County Department of Assessments and it is marked as Exhibit 157.
4:07:08 PM	Bendich offers a second National Register of Historic Places Continuation Sheet and it is marked as Exhibit 158.
4:08:28 PM	Bendich offers a packet of photographs and they are marked as Exhibit 159, photographs a through e.
4:11:45 PM	Bendich moves to admit Exhibits 157, 158, and 159 and they are admitted.
4:26:15 PM	Bendich offers letter from Inga Manskopf to Diane Sugimura and it is marked as Exhibit 160.
4:27:53 PM	Bendich moves to admit Exhibit 160. Johnson objects; relevance. Bendich responds.
4:29:19 PM	Bendich will re-offer exhibit after testimony is complete.
4:41:02 PM	Bendich offers Green Lake/Roosevelt Residential Urban Village map and it is marked as Exhibit 161.
4:44:20 PM	Johnson objects; foundation. Bendich rephrases question.
4:54:44 PM	Bendich moves to admit Exhibits 160 and 161.
4:55:04 PM	Exhibit 161 is admitted. Johnson objects to Exhibit 160; relevance
4:55:13 PM	Gagnon will return tomorrow to finish testimony if necessary.
4:56:04 PM	Objection overruled. Exhibit 160 is admitted.
4:59:57 PM	Bendich concludes.
4:59:59 PM	Bricklin begins direct examination of Gagnon.
5:00:38 PM	Bricklin concludes.
5:00:42 PM	No cross examination.
5:00:45 PM	Hearing Examiner closes Day 7 of the hearing.