

Description

W-17-006 - W-17-014
Wallingford Community Council, et al.
Mandatory Housing Affordability FEIS
Hearing, Day 9
Thursday, July 26, 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

Christine Tobin-Presser, West Seattle Junction Neighborhood

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

7/26/2018

Location

Large Hearing Room

<u>Time</u>	<u>Speak</u>	<u>Note</u>
9:01:41 AM		Back on the record.
9:01:48 AM		Tobin-Presser continues direct examination of Rees.
9:02:01 AM		Tobin-Presser offers Seattle Fire Department budget and it is marked as Exhibit 206.
9:02:45 AM		Tobin-Presser moves to admit Exhibit 206 and it is admitted.
9:07:44 AM		Tobin-Presser concludes.
9:07:45 AM		Mitchell begins cross examination of Rees.
9:08:38 AM		Mitchell concludes.
9:10:02 AM		Bendich offers the corrected version of Exhibit 190.
9:11:29 AM		Exhibit 190 is admitted.
9:12:06 AM		Bendich calls John Stewart as a witness and he is sworn in.
9:12:25 AM		Bendich begins direct examination of Stewart.
9:23:31 AM		Bendich offers historic district registration form and it is marked as Exhibit 207.
9:36:42 AM		Johnson objects; relevance. Sustained.
9:39:42 AM		Bendich moves to admit Exhibit 207 and it is admitted.
9:41:48 AM		Bendich offers Washington Heritage Register of Historic Places certificate and it is marked as Exhibit 208.
9:42:26 AM		Bendich moves to admit Exhibit 208 and it is admitted.
9:42:46 AM		Bendich offers letter to Friends of Ravenna Cowen and it is marked as Exhibit 209.
10:14:20 AM		Bendich offers a set of photographs and they are marked as Exhibit 210.
10:14:56 AM		Break. Back at 10:30.
10:30:49 AM		Back on the record.
10:31:00 AM		Bendich continues direct examination of Stewart.
10:40:05 AM		Bendich offers an issue of The Roosie and it is marked as Exhibit 211.
10:41:04 AM		Bendich moves to admit Exhibit 211 and it is admitted.
10:51:04 AM		Bendich moves to admit Exhibits 209 and 210 and they are admitted.
10:51:32 AM		Bendich concludes.
10:51:36 AM		Johnson begins cross examination of Stewart.
11:00:19 AM		Johnson concludes.
11:00:20 AM		Bendich begins redirect examination of Stewart.
11:00:34 AM		Bendich concludes.
11:00:41 AM		Bricklin re-calls Toby Thaler as a witness to complete his testimony.
11:01:13 AM		Bricklin continues direct examination of Thaler.
11:06:43 AM		Bricklin offers packet of documents showing the loss of two City-owned trees and it is marked as Exhibit 212.
11:08:09 AM		Bricklin moves to admit Exhibit 212 and it is admitted.
11:19:44 AM		Mitchell objects; Bricklin moves to another question.
11:22:35 AM		Bricklin concludes.
11:22:39 AM		Mitchell begins cross examination of Thaler.

11:23:01 AM	Mitchell concludes.
11:23:16 AM	Appellant's case will proceed in the next week of the hearing.
11:25:05 AM	Five minute break for transition to City's case.
11:29:48 AM	Back on the record.
11:29:55 AM	Mitchell calls Mike Leech as a witness and he is sworn in.
11:30:17 AM	Mitchell begins direct examination of Leech.
11:30:45 AM	Mitchell offers Leech's resume and it is marked as Exhibit 213.
11:37:37 AM	Mitchell moves to admit Exhibit 213.
11:37:47 AM	Hearing Examiner asks for clarification from the witness.
11:38:04 AM	Exhibit 213 is admitted.
11:43:54 AM	Mitchell offers LiDAR-based assessment for the City and it is marked as Exhibit 214.
11:48:09 AM	Mitchell moves to admit Exhibit 214 and it is admitted.
11:48:18 AM	Mitchell offers the proposal for the LiDAR-based assessment and it is marked as Exhibit 215.
11:57:51 AM	Mitchell moves to admit Exhibit 215 and it is admitted.
11:58:09 AM	Bendich objects; hearsay. Overruled.
11:58:49 AM	Mitchell offers Seattle 2016 LiDAR Canopy Cover Assessment Webinar questions and it is marked as Exhibit 216.
12:01:36 PM	Mitchell moves to admit Exhibit 216 and it is admitted.
12:01:45 PM	Break for lunch. Back at 1:30.
1:30:13 PM	Back on the record.
1:30:21 PM	Mitchell continues direct examination of Leech.
2:01:20 PM	Bricklin objects; foundation.
2:01:27 PM	Sustained.
2:02:25 PM	Bendich objects; foundation.
2:02:35 PM	Hearing Examiner responds to the objection. Sustained.
2:03:17 PM	Bendich objects; foundation.
2:03:24 PM	Overruled.
2:05:51 PM	Bricklin objects; leading. Mitchell rephrases question. ~~~
2:06:47 PM	Mitchell concludes.
2:07:12 PM	Thaler begins cross examination of Leech.
2:12:37 PM	Mitchell objects; speculation. Sustained.
2:24:22 PM	Thaler offers NYC Urban Tree Canopy Assessment and it is marked as Exhibit 217.
2:36:20 PM	Thaler moves to admit Exhibit 217 and it is admitted.
2:38:47 PM	Mitchell objects; characterizing the exhibit.
2:39:28 PM	Overruled.
2:39:52 PM	Mitchell objects; beyond the scope of direct.
2:40:10 PM	Thaler responds.
2:40:52 PM	Sustained.
2:51:45 PM	Mitchell objects; vague. Thaler responds. Question rephrased.
3:00:16 PM	Break. Back at 3:15.
3:16:26 PM	Back on the record.

3:16:35 PM	Thaler continues cross examination of Leech.
3:28:23 PM	Thaler concludes.
3:28:34 PM	Bendich begins cross examination of Leech.
3:39:03 PM	Mitchell objects; mischaracterizing witness testimony.
3:39:22 PM	Overruled.
3:40:14 PM	Mitchell objects; asked and answered. Sustained.
3:43:47 PM	Bricklin begins cross examination of Leech.
3:44:44 PM	Bendich continues cross examination of Leech.
3:53:15 PM	Bendich concludes.
3:53:17 PM	Bricklin continues cross examination of Leech.
3:59:29 PM	Bricklin concludes.
3:59:30 PM	Mitchell begins redirect examination of Leech.
4:01:35 PM	Bendich objects; characterization of testimony. Overruled.
4:08:03 PM	Mitchell concludes.
4:08:12 PM	Mitchell calls Nolan Rundquist as a witness.
4:08:38 PM	Rundquist is sworn in.
4:09:00 PM	Mitchell begins direct examination of Rundquist.
4:09:11 PM	Mitchell offers Rundquist's resume and it is marked as Exhibit 218.
4:13:02 PM	Mitchell moves to admit Exhibit 218 and it is admitted.
4:13:29 PM	Mitchell offers 2013 Urban Forest Stewardship Plan and it is marked as Exhibit 219.
4:23:42 PM	Mitchell moves to admit Exhibit 219 and it is admitted.
4:23:50 PM	Mitchell offers Street Tree Management Plan and it is marked as Exhibit 220.
4:33:12 PM	Mitchell moves to admit Exhibit 220 and it is admitted.
4:43:08 PM	Mitchell offers Executive Order on Tree Replacement and it is marked as Exhibit 221.
4:44:37 PM	Mitchell moves to admit Exhibit 221 and it is admitted.
4:44:54 PM	Mitchell offers the SDOT Street Tree Manual and it is marked as Exhibit 222.
4:48:16 PM	Mitchell moves to admit Exhibit 222 and it is admitted.
4:53:30 PM	Mitchell concludes.
4:53:40 PM	Bricklin begins cross examination of Rundquist.
4:57:29 PM	Bricklin concludes.
4:57:33 PM	Bendich begins cross examination of Rundquist.
4:57:58 PM	Mitchell objects; withdrawn.
5:01:32 PM	Hearing Examiner closes Day 9 of the hearing.