

Description

W-17-006 - W-17-014
Wallingford Community Council, et al.
Mandatory Housing Affordability FEIS
Hearing, Day 11
Monday, August 20, 2018

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

Party Representatives:

Claudia Newman, Counsel for SCALE

Toby Thaler, Fremont Neighborhood Council

Talis Abolins, North Rainier Neighborhood Plan

Tadas Kisielius, Counsel for the City of Seattle

Jeff Weber, Counsel for the City of Seattle

Date

8/20/2018

Location

Large Hearing Room

<u>Time</u>	<u>Speak</u>	<u>Note</u>
9:01:18 AM		Hearing Examiner opens hearing.
9:01:36 AM		Thaler offers Declaration of Gordon Lagerquist and it is marked as Exhibit 239.
9:02:56 AM		Kisielius states that the City does not need to cross examine Lagerquist.
9:04:19 AM		Abolins calls Michael James as a witness and he is sworn in. Abolins begins direct examination of James.
9:08:53 AM		Kisielius objects; James was disclosed as a fact witness, not an expert.
9:09:40 AM		Abolins responds.
9:10:13 AM		Hearing Examiner responds.
9:11:01 AM		Abolins replies.
9:11:53 AM		Kisielius replies.
9:15:20 AM		Hearing Examiner will allow testimony; City may object again if testimony goes into expert territory.
9:16:03 AM		Abolins continues direct examination of James.
9:17:30 AM		Kisielius objects; expert testimony.
9:17:41 AM		Abolins asks witness to keep testimony to personal experience.
9:18:36 AM		Kisielius objects; witness is testifying to technical work he did.
9:19:18 AM		Abolins responds.
9:20:26 AM		Hearing Examiner responds to the objection and clarifies the bounds of fact witness testimony.
9:22:26 AM		Five minute break.
9:27:55 AM		Back on the record.
9:28:02 AM		Abolins continues direct examination of James.
9:40:16 AM		Kisielius asks for clarification regarding which exhibit is being discussed.
9:55:30 AM		Kisielius objects; expert testimony.
9:55:51 AM		Abolins rephrases question.
9:57:20 AM		Abolins concludes.
9:57:31 AM		Kisielius begins cross examination of James.
9:57:51 AM		Abolins objects; vague.
9:58:04 AM		Kisielius rephrases.
10:00:53 AM		Kisielius concludes.
10:00:56 AM		Abolins begins redirect examination of James.
10:01:21 AM		Kisielius objects; expert testimony.
10:02:34 AM		Hearing Examiner sustains the objection with regard to MHA.
10:04:09 AM		Hearing Examiner interjects.
10:04:23 AM		Abolins concludes.
10:04:37 AM		Newman calls Christine Tobin-Presser as a witness.
10:05:05 AM		Tobin-Presser is sworn in.
10:05:24 AM		Newman begins direct examination of Tobin-Presser.
10:07:04 AM		Newman offers larger version of exhibit H-82 from the EIS and it is marked as Exhibit 240.

10:08:55 AM	Newman offers a packet of photographs and they are marked as Exhibit 241.
10:30:53 AM	Break. Back at 10:45.
10:45:01 AM	Back on the record.
10:45:07 AM	Newman continues direct examination of Tobin-Presser.
10:50:32 AM	Newman moves to admit Exhibits 240 and 241 and they are admitted.
10:52:24 AM	Newman asks questions regarding the EIS.
11:00:24 AM	Newman offers tables related to the proposed rezones of different areas of the Junction neighborhood.
11:01:59 AM	They are marked as Exhibit 242.
11:06:40 AM	Newman moves to admit Exhibit 242 and it is admitted.
11:30:46 AM	Kisielius objects; relevance.
11:31:12 AM	Newman rephrases question.
11:37:37 AM	Kisielius objects; overruled.
11:52:56 AM	Newman offers memo from director of OPCD to the PLUZ Council Committee and it is marked as Exhibit 243.
12:13:48 PM	Newman offers Legislative Summary of Resolution 31762 and it is marked as Exhibit 244.
12:16:43 PM	Break for lunch. Back at 1:45.
1:45:36 PM	Back on the record. Newman continues direct examination of Tobin-Presser.
1:58:55 PM	Newman moves to admit Exhibits 243 and 244 and they are admitted.
1:59:13 PM	Newman concludes.
2:00:20 PM	Newman requests that comment letters from the EIS are included in hard copy in the record.
2:02:05 PM	Abolins responds.
2:02:26 PM	Tobin-Presser responds.
2:02:50 PM	Thaler responds.
2:07:33 PM	Kisielius begins cross examination of Tobin-Presser.
2:20:07 PM	Kisielius concludes.
2:20:12 PM	Hearing Examiner asks questions of Tobin-Presser.
2:21:56 PM	Hearing Examiner concludes.
2:22:08 PM	Abolins calls Craig Cundiff as a witness and he is sworn in.
2:22:44 PM	Abolins begins direct examination of Cundiff.
2:38:25 PM	Abolins concludes.
2:38:46 PM	Newman calls David Moehring as a witness.
2:39:17 PM	Moehring is sworn in.
2:39:29 PM	Newman begins direct examination of Moehring.
2:40:53 PM	Newman offers report created by Moehring and it is marked as Exhibit 245.
2:44:36 PM	Kisielius objects; witness was not disclosed as an expert witness.
2:45:28 PM	Newman responds.
2:48:30 PM	Kisielius replies.
2:49:09 PM	Newman responds.

2:51:15 PM	Hearing Examiner will allow testimony for now, but also allow further objections from the City concerning expert testimony.
3:03:01 PM	Kisielius renews objection.
3:04:11 PM	Newman responds.
3:04:22 PM	Kisielius responds.
3:04:38 PM	Newman responds.
3:08:19 PM	Kisielius responds.
3:11:22 PM	Hearing Examiner responds.
3:18:20 PM	Objection is sustained to the degree testimony could be construed as expert testimony, but exhibit and testimony will be allowed as a fact/lay witness.
3:27:45 PM	Kisielius renews objection.
3:28:15 PM	Newman responds.
3:28:57 PM	Kisielius responds.
3:30:28 PM	Newman rephrases question.
3:30:31 PM	Kisielius renews objection.
3:30:54 PM	Objection sustained.
3:31:11 PM	Newman concludes.
3:31:24 PM	Kisielius begins cross examination of Moehring.
3:37:30 PM	Kisielius concludes.
3:37:34 PM	Newman begins redirect examination of Moehring.
3:38:44 PM	Kisielius objects; no question. Newman rephrases.
3:39:35 PM	Newman concludes.
3:39:54 PM	Break. Back at 4.
4:00:36 PM	Back on the record.
4:00:48 PM	Newman moves to admit Exhibit 245.
4:01:13 PM	Exhibit 245 is admitted in the context of earlier objections. A new cover sheet without the witness's qualifications on it will be submitted and used in place of the current cover sheet.
4:02:51 PM	Newman calls William Bradurd as a witness and he is sworn in.
4:03:13 PM	Newman begins direct examination of Bardurd.
4:04:55 PM	Newman offers larger version of exhibit H-10 from the EIS and it is marked as Exhibit 246.
4:23:32 PM	Kisielius objects; lack of foundation and expert testimony.
4:23:57 PM	Hearing Examiner asks for clarification.
4:24:45 PM	Hearing Examiner will allow testimony as long as it remains within the bounds of fact witness testimony.
4:25:16 PM	Newman responds.
4:26:35 PM	Overruled.
4:52:51 PM	Kisielius objects; narrative testimony.
4:53:19 PM	Newman responds.
4:53:52 PM	Overruled.
5:00:33 PM	Hearing Examiner ends Day 11 of the hearing.