

Description	<p>W-17-006 - W-17-014 Wallingford Community Council, et al. Mandatory Housing Affordability FEIS Hearing, Day 17 Friday, August 31, 2018</p> <p>Time: 9:00 a.m. Examiner: Ryan Vancil Assistant: Alayna Johnson</p> <p>Party Representatives:</p> <p>David Bricklin, Counsel for SCALE</p> <p>Judith Bendich, Friends of Ravenna-Cowen</p> <p>Toby Thaler, Fremont Neighborhood Council</p> <p>Talis Abolins, North Rainier Neighborhood Plan</p> <p>Christine Tobin-Presser, West Seattle Junction Neighborhood</p> <p>Tadas Kisielius, Counsel for the City of Seattle</p> <p>Dale Johnson, Counsel for the City of Seattle</p> <p>Clara Park, Counsel for the City of Seattle</p> <p>Jeff Weber, Counsel for the City of Seattle</p>
Date	8/31/2018
Location	Large Hearing Room

<u>Time</u>	<u>Speak</u>	<u>Note</u>
9:02:11 AM		Hearing Examiner opens Day 17 of the hearing.
9:02:31 AM		Bendich continues cross examination of Welch.
9:08:38 AM		Weber objects; relevance.
9:08:48 AM		Bendich responds.
9:09:10 AM		Overruled.
9:11:12 AM		Weber objects.
9:11:20 AM		Bendich responds.
9:11:40 AM		Bendich rephrases.
9:11:51 AM		Weber responds.
9:12:00 AM		Bendich replies.
9:12:10 AM		Bendich rephrases.
9:16:29 AM		Bendich offers e-mail to Nick Welch and it is marked as Exhibit 292.
9:17:40 AM		Bendich moves to admit Exhibit 292 and it is admitted.
9:25:42 AM		Weber objects; relevance.
9:26:30 AM		Bendich responds. Bendich withdraws question and rephrases.
9:30:44 AM		Weber objects.
9:30:51 AM		Sustained.
9:37:01 AM		Weber objects.
9:37:20 AM		Hearing Examiner asks for clarification.
9:38:41 AM		Kisielius responds.
9:40:59 AM		Bendich continues.
9:49:01 AM		Weber objects; asked and answered. Sustained.
9:52:30 AM		Bendich concludes.
9:52:33 AM		Weber begins redirect examination of Welch.
9:58:28 AM		Weber concludes.
9:58:46 AM		Break. Back at 10:15.
10:16:25 AM		Back on the record.
10:16:26 AM		Kisielius calls Jesseca Brand as a witness and she is sworn in.
10:16:59 AM		Kisielius begins direct examination of Brand.
10:25:13 AM		Bendich objects.
10:25:22 AM		Kisielius responds.
10:25:26 AM		Overruled.
10:30:49 AM		Kisielius offers MHA EIS summaries and it is marked as Exhibit 293.
10:31:25 AM		Kisielius moves to admit Exhibit 293 and it is admitted.
10:34:08 AM		Kisielius offers public guide for making an EIS comment and it is marked as Exhibit 294.
10:34:53 AM		Kisielius moves to admit Exhibit 294 and it is admitted.
10:35:11 AM		Kisielius offers DEIS comment form and it is marked as Exhibit 295.
10:35:49 AM		Kisielius moves to admit Exhibit 295 and it is admitted.

10:36:27 AM	Kisielius offers map of proposed areas affected by MHA and it is marked as Exhibit 296.
10:37:42 AM	Kisielius moves to admit Exhibit 296 and it is admitted.
10:37:51 AM	Kisielius offers Community Input Process document and it is marked as Exhibit 297.
10:40:28 AM	Kisielius moves to admit Exhibit 297 and it is admitted.
10:40:45 AM	Kisielius concludes.
10:40:53 AM	Tobin-Presser begins cross examination of Brand.
10:44:05 AM	Kisielius objects; asked and answered
10:44:09 AM	Tobin-Presser responds.
10:44:42 AM	Sustained.
10:52:27 AM	Kisielius objects; relevance.
10:52:34 AM	Tobin-Presser responds.
10:52:43 AM	Overruled.
10:55:51 AM	Kisielius objects; witness unfamiliar with document. Overruled.
11:13:02 AM	Tobin-Presser concludes.
11:13:07 AM	Abolins begins cross examination of Brand.
11:23:29 AM	Kisielius objects; testimony.
11:23:41 AM	Abolins responds.
11:24:15 AM	Kisielius responds.
11:24:27 AM	Sustained.
11:25:31 AM	Objection; argumentative.
11:25:36 AM	Abolins withdraws question.
11:26:37 AM	Kisielius objects.
11:26:40 AM	Abolins responds.
11:26:49 AM	Overruled.
11:28:17 AM	Objection; reading from a document that was not on the exhibit list.
11:29:06 AM	Abolins responds.
11:29:35 AM	Kisielius responds.
11:30:43 AM	Overruled.
11:32:08 AM	Hearing Examiner will allow the e-mail as an exhibit for impeachment purposes. It is marked and admitted as Exhibit 298.
11:35:31 AM	Kisielius objects.
11:36:43 AM	Kisielius objects.
11:37:09 AM	Abolins concludes.
11:37:13 AM	Bendich begins cross examination of Brand.
11:39:03 AM	Kisielius objects; testimony.
11:39:24 AM	Sustained.
11:57:59 AM	Bendich concludes.
11:58:02 AM	Kisielius begins redirect examination of Brand.
12:05:05 PM	Kisielius concludes.
12:06:43 PM	Procedural discussion.

12:07:04 PM	Break for lunch. Back at 1:30.
1:31:24 PM	Back on the record.
1:31:30 PM	Park brings up procedural matter.
1:32:17 PM	Park calls Sharese Graham as a witness and she is sworn in.
1:33:09 PM	Park offers Graham's resume and it is marked as Exhibit 299.
1:34:41 PM	Park moves to admit Exhibit 299 and it is admitted.
1:47:55 PM	Bendich objects; repetitive testimony.
1:48:05 PM	Park responds.
1:48:36 PM	Bendich replies.
1:48:43 PM	Overruled.
1:52:05 PM	Park offers Trees for All document and it is marked as Exhibit 300.
1:53:40 PM	Park moves to admit Exhibit 300. Bendich objects; relevance.
1:54:39 PM	Park responds.
1:55:01 PM	Bendich withdraws objection. Exhibit 300 is admitted.
1:58:30 PM	Park offers 2017 Parks and Open Space Plan and it is marked as Exhibit 301.
2:04:22 PM	Park moves to admit Exhibit 301 and it is admitted.
2:24:12 PM	Park offers 2018 Combined Sewer Overflow Long Term Control Plan Update and it is marked as Exhibit 302.
2:25:25 PM	Park moves to admit Exhibit 302 and it is admitted.
2:42:53 PM	Bricklin objects. Park clarifies/rephrases.
2:46:03 PM	Park concludes.
2:46:14 PM	Abolins begins cross examination of Graham.
2:50:36 PM	Park objects; attorney-client privilege and work-product.
2:50:47 PM	Abolins responds.
2:51:04 PM	Overruled.
2:58:05 PM	Park objects; testimony.
2:58:23 PM	Abolins responds.
2:58:45 PM	Park withdraws objection.
3:03:12 PM	Park objects; document not identified as an exhibit.
3:06:18 PM	Hearing Examiner will allow it only for purposes of impeachment.
3:08:28 PM	Park objects; document shows no impeachment.
3:09:00 PM	Abolins responds.
3:09:38 PM	Park withdraws objection.
3:12:43 PM	Standing objection overruled.
3:13:00 PM	Abolins moves to admit the document for impeachment.
3:13:25 PM	Park objects; relevance.
3:13:38 PM	Overruled.
3:15:01 PM	Excerpt from Sammamish Town Center EIS is marked as Exhibit 303.

3:16:53 PM	Exhibit 303 is admitted.
3:29:47 PM	Abolins concludes. Back at 3:45.
3:45:46 PM	Back on the record.
3:45:57 PM	Hearing Examiner asks about schedule for the rest of the day.
3:46:41 PM	Bricklin begins cross examination of Graham.
3:48:47 PM	Bricklin concludes.
3:48:48 PM	Thaler begins cross examination of Graham.
4:02:07 PM	Park objects; asked and answered.
4:02:22 PM	Thaler responds.
4:02:36 PM	Thaler rephrases.
4:02:58 PM	Park objects.
4:03:06 PM	Thaler rephrases.
4:10:41 PM	Thaler concludes.
4:10:48 PM	Park begins redirect examination of Graham.
4:17:28 PM	Chapter 2 and pages 3-47 and 3-48 are added to Exhibit 303 and it is admitted.
4:21:41 PM	Park concludes.
4:21:54 PM	Discussion of schedule for closing arguments and remaining witnesses. Opening briefs will be due September 24th, responses due October 10th.
4:31:37 PM	Bricklin calls Spencer Howard as a rebuttal witness.
4:31:53 PM	Bricklin begins direct examination of Howard.
4:44:54 PM	Bricklin offers the historic resources section of a draft EIS prepared by Howard and it is marked as Exhibit 304.
4:47:11 PM	Bricklin moves to admit Exhibit 304.
4:47:25 PM	Exhibit 304 is admitted.
4:54:47 PM	Bricklin concludes.
4:54:58 PM	Johnson begins cross examination of Howard.
5:06:40 PM	Johnson concludes.
5:06:43 PM	No redirect.
5:06:48 PM	Hearing Examiner asks parties about possible scheduling of oral argument. October 16th from 9-11 is reserved in case it is needed.
5:08:14 PM	Abolins asks to do some rebuttal testimony.
5:08:31 PM	City objects.
5:08:32 PM	Hearing Examiner closes Day 17 of the hearing.