

Description

W-17-006 - W-17-014
Wallingford Community Council, et al.
Mandatory Housing Affordability FEIS
Hearing, Day 19
Friday, September 7, 2018

Time: 9:00 a.m.
Examiner: Ryan Vancil
Assistant: Bonita Roznos

Party Representatives:

David Bricklin, Counsel for SCALE

Judith Bendich, Friends of Ravenna-Cowen

Toby Thaler, Fremont Neighborhood Council

Tadas Kisielius, Counsel for the City of Seattle

Jeff Weber, Counsel for the City of Seattle

Date

9/7/2018

Location

Large Hearing Room

<u>Time</u>	<u>Speake</u>	<u>Note</u>
9:00:50 AM		Hearing Examiner opens day 19 of the hearing.
9:01:06 AM		Weber calls Richard Weinman as a witness.
9:01:29 AM		Weinman is sworn in.
9:01:33 AM		Weber begins direct examination of Weinman.
9:09:23 AM		Weber offers Weinman's resume and it is marked as Exhibit 308.
9:09:42 AM		Weber moves to admit Exhibit 308 and it is admitted.
9:18:23 AM		Bricklin objects. Calls for legal conclusion.
9:19:04 AM		Sustained.
9:36:23 AM		Bendich objects. Beyond scope of question.
9:40:23 AM		Bricklin objects. Calls for legal conclusion.
9:40:30 AM		Question answered.
9:47:00 AM		Bricklin objects. Calls for legal conclusion.
9:47:14 AM		Weber responded and rephrased question.
9:59:46 AM		Bricklin and Bendich object.
9:59:57 AM		Sustained.
10:00:12 AM		Weber rephrases question.
10:05:17 AM		Hearing Examiner asks procedural question regarding timing.
10:05:25 AM		Break. Back at 10:20.
10:05:38 AM		Back on the record.
10:20:57 AM		Weber continues direct examination of Weinman.
10:23:04 AM		Bricklin objects. Lacks foundation.
10:23:18 AM		Weber responds.
10:23:40 AM		Sustained.
10:23:52 AM		Bricklin moves to strike response related to city budget.
10:24:14 AM		Motion to strike granted.
10:31:47 AM		Bricklin and Bendich object.
10:31:55 AM		Weber responds.
10:32:20 AM		Sustained first part of question using the word "typical " and overruled the second part of the question using the word "required".
10:32:34 AM		Bendich objects. Foundational.
10:34:05 AM		Bendich and Bricklin object. Calls for legal conclusion.
10:34:12 AM		Sustained.
10:34:47 AM		Bricklin begins cross examination of Weinman.
10:49:50 AM		Weber objects. Calls for legal conclusion.
10:50:15 AM		Bricklin clarifies the question.
10:58:17 AM		Weber objects. Beyond scope of testimony.
10:58:35 AM		Bricklin responds.
10:58:46 AM		Weber responds.
10:59:31 AM		Sustained.
11:00:11 AM		Weber renews objection.
11:00:30 AM		Bricklin restates question.
11:16:26 AM		Weber objects.

11:25:24 AM	Bricklin concludes.
11:25:32 AM	Thaler begins cross examination of Weinman.
11:27:06 AM	Weber objects. Relevance.
11:27:24 AM	Thaler withdraws the question.
11:31:01 AM	Weber objects. Relevance.
11:31:11 AM	Thaler responds.
11:31:50 AM	Weber responds.
11:32:44 AM	Thaler rephrases the question.
11:34:47 AM	Weber objects.
11:34:53 AM	Thaler withdraws the question.
11:38:35 AM	Weber objects.
11:38:43 AM	Thaler withdraws the question.
11:40:13 AM	Thaler concludes.
11:40:24 AM	Hearing Examiner asks questions of Weinman.
11:58:16 AM	Weber begins redirect examination of Weinman.
12:04:14 PM	Bricklin objects.
12:04:21 PM	Weber rephrases question.
12:04:47 PM	Bricklin objects. Calls for legal conclusion.
12:05:06 PM	Weber responds.
12:05:45 PM	Overruled and witness is allowed to respond to the question.
12:10:08 PM	Weber concludes.
12:10:18 PM	Hearing Examiner asks procedural questions about afternoon schedule.
12:10:32 PM	Attorneys respond.
12:12:38 PM	Break for lunch. Back at 1:45.
12:12:48 PM	Back on the record.
1:45:40 PM	Thaler calls Talis Abolins as a rebuttal witness and he is reminded he is still under oath.
1:45:55 PM	Thaler begins rebuttal examination of Abolins.
1:47:14 PM	Kisielius objects.
1:47:30 PM	Thaler responds.
1:47:47 PM	Kisielius responds.
1:48:28 PM	Hearing Examiner responds.
1:48:36 PM	Kisielius responds.
1:48:48 PM	Sustained.
1:48:54 PM	Thaler concludes.
1:48:59 PM	Kisielius begins cross examination of Abolins.
1:51:11 PM	Kisielius offers email correspondence with invitation to open house as Exhibit 309.
1:53:15 PM	Kisielius requests to suspend cross examination of Abolins.
1:53:18 PM	Thaler agrees to put Abolins' examination aside.
1:53:37 PM	Bendich calls David Ward as a rebuttal witness and begins examination.
1:54:25 PM	Bendich offers a list of addresses as Exhibit 310.

1:54:56 PM	Kisielius responds.
1:55:03 PM	Kisielius objects. Exceeds scope of rebuttal.
1:55:36 PM	Bendich responds.
1:57:34 PM	Overruled.
2:02:26 PM	Bendich moves admission of Exhibit 310 and it is admitted.
2:02:43 PM	Bricklin begins examination of Ward as a rebuttal witness.
2:03:52 PM	Bricklin concludes.
2:03:54 PM	Kisielius begins cross examination of Ward.
2:04:46 PM	Bendich objects.
2:04:51 PM	Kisielius responds.
2:05:04 PM	Overruled.
2:05:53 PM	Kisielius concludes.
2:06:03 PM	Kisielius continues cross examination of Abolins.
2:06:10 PM	Kisielius offers an email open house invitation document as Exhibit 311.
2:08:25 PM	Mr. Abolins retracts testimony regarding email.
2:08:35 PM	Kisielius moves to admit Exhibits 309 and 311 and they are admitted.
2:08:45 PM	Kisielius concludes.
2:08:49 PM	Thaler calls Robert Feldstein as a witness on rebuttal and he is sworn in.
2:09:23 PM	Thaler begins examination of Feldstein.
2:11:18 PM	Thaler offers a City's organization chart, HALA schedule, agenda, and contact information documents as Exhibit 312.
2:13:18 PM	Thaler moves to admit Exhibit 312 and it is admitted.
2:16:54 PM	Thaler offers a Race and Social Justice Memo dated May 1, 2015 as Exhibit 313.
2:18:32 PM	Thaler offers a Policy Briefing Memo HALA Briefing dated May 1, 2015 as Exhibit 314.
2:18:53 PM	Weber objects.
2:19:15 PM	Thaler responds and moves to admit Exhibit 313 and it is admitted.
2:20:46 PM	Weber responds.
2:21:42 PM	Thaler responds.
2:21:59 PM	Weber responds.
2:22:40 PM	Sustained.
2:25:37 PM	Thaler offers MHA Program Key Policy Questions document dated November 13, 2015 as Exhibit 315.
2:26:11 PM	Weber objects.
2:26:18 PM	Thaler responds.
2:26:38 PM	Overruled.
2:28:47 PM	Weber objects. Not rebuttal testimony.
2:29:22 PM	Thaler responds.
2:30:18 PM	Weber responds.
2:30:29 PM	Thaler responds.
2:31:06 PM	Overruled.

2:31:49 PM	Weber objects.
2:32:12 PM	Thaler withdraws the question.
2:33:56 PM	Weber objects.
2:34:20 PM	Thaler responds.
2:36:46 PM	Hearing Examiner responds.
2:37:13 PM	Thaler responds.
2:38:20 PM	Overruled.
2:41:35 PM	Thaler offers Legislation for Transmittal to Council Memo dated April 26, 2016 as Exhibit 316.
2:42:13 PM	Weber objects.
2:42:59 PM	Thaler moves to admit Exhibits 314, 315 and 316
2:43:32 PM	Exhibit 314 is denied.
2:43:45 PM	Weber objects to the admission of Exhibit 315.
2:43:59 PM	Exhibits 315 and 316 are admitted.
2:44:29 PM	Bricklin calls Bill Reed as a rebuttal witness and he is reminded he is still under oath.
2:45:40 PM	Bricklin begins examination of Reed.
2:45:45 PM	Weber objects.
2:46:18 PM	Bricklin rephrases question.
2:48:18 PM	Weber objects.
2:49:09 PM	Overruled.
2:51:42 PM	Weber objects. Testimony not rebuttal.
2:52:12 PM	Bricklin responds.
2:53:22 PM	Weber responds.
2:54:53 PM	Bricklin responds.
2:55:26 PM	Weber responds.
2:55:44 PM	Sustained.
3:07:58 PM	Weber objects.
3:08:53 PM	Overruled.
3:17:00 PM	Weber objects.
3:17:11 PM	Sustained.
3:19:04 PM	Weber objects.
3:19:16 PM	Overruled.
3:19:54 PM	Bricklin concludes.
3:19:57 PM	Break. Back at 3:25.
3:26:12 PM	Back on the record.
3:26:50 PM	Bendich offers documents regarding location of the Draft EIS and map as Exhibit 317
3:28:39 PM	Kisielius responds.
3:29:48 PM	Bendich responds and withdraws Exhibit 317.
3:31:23 PM	Both Parties conclude.
3:32:35 PM	Hearing Examiner requests extension on decision and parties agree. Hearing Examiner provides procedures on closing arguments and legal briefs.

3:44:24 PM	Hearing Examiner discusses additional issues.
3:51:18 PM	Bricklin requests clarification.
3:51:33 PM	Hearing Examiner responds.
3:52:07 PM	Exhibit 273 is denied.
3:53:56 PM	Hearing Examiner provides closing comments.
3:55:01 PM	Hearing Examiner closes the hearing.