	Minutes for MUP-18-020 & S-18-011 Day 3 Save Madison Valley 2925 E Madison St Wednesday, December 12, 2018 Time: 9:00 a.m. Examiner: Barbara Dykes Ehrlichman Assistant: Alayna Johnson Party Representatives: Bryan Telegin, Counsel for Appellant 1424 Fourth Ave, Suite 500 Seattle, WA 98101 Claudia Newman, Counsel for Appellant 1424 Fourth Ave, Suite 500 Seattle, WA 98101 Claudia Newman, Counsel for Appellant 1424 Fourth Ave, Suite 500 Seattle, WA 98101 Magda Hogness, for Department SDCI 700 Fifth Ave Seattle, WA 98104
-	William Mills, for Department SDCI 700 Fifth Ave Seattle, WA 98104
ŕ	Patrick Mullaney, Counsel for Applicant 1111 Third Ave, Suite 3000 Seattle, WA 98101
	Michelle Rusk, Counsel for Applicant 1111 Third Ave, Suite 3000 Seattle, WA 98101
Date	12/12/2018 Location Large Hearing Room

9:01:13 AM Hearing Examiner opens Day 3 of the hearing.   9:01:13 AM Discussion of hearing schedule.   9:08:31 AM Hearing will continue on January 22nd, 23rd, and the morning of the 24th.   9:11:23 AM Newman re-calls Steinbrueck as a witness for continuation of testimony.   9:12:56 AM Mullaney continues cross examination of Steinbrueck.   9:37:30 AM Mullaney concludes.   9:37:33 AM Newman begins redirect examination of Steinbrueck.   9:37:33 AM Mullaney objects; leading. Sustained.   10:02:30 AM Mullaney objects; leading. Sustained.   10:02:30 AM Mullaney objects; leading. Sustained.   10:02:30 AM Newman offers comment letter e-mail from Peter Steinbrueck and it is marked and admitted as Exhibit 34.   10:09:22 AM Newman concludes.   10:15:41 AM Newman objects.   10:21:32 AM Overruled.   10:21:32 AM Newman objects.   10:21:32 AM Overruled.   10:21:32 AM Newman objects.   10:21:32 AM Overruled.   10:22:52 AM Newman objects.   10:23:53 AM Mullaney responds.   10:30:38 AM Newman concludes.   10:30:38 AM <t< th=""><th>Time</th><th>Speake</th><th>Note</th></t<>	Time	Speake	Note
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11:12:58 AM Mullaney objects: leading Newman rephrases	<u>11:0</u> 9:01 AM		Newman will submit another copy of Exhibit 38 that is to scale.
	11:13:58 AM		Mullaney objects; leading. Newman rephrases.

11:15:44 AM	Mullaney objects; outside scope of hearing.
11:17:21 AM	Hearing Examiner responds.
<u>11:17:30 AM</u>	Mullaney responds.
11:18:06 AM	Hearing Examiner rules on objection.
11:21:01 AM	Newman offers arborist report and it is marked and admitted as Exhibit 40.
<u>11.21.01 AW</u>	
<u>11:37:38 AM</u>	Newman offers the updated arborist report and it is marked and admitted as Exhibit 41.
11:42:54 AM	Newman offers excerpts from site plans and they are marked and admitted
<u>11.42.34 Alvi</u>	as Exhibit 42.
<u>11:44:08 AM</u>	Newman offers site plan and it is marked and admitted as Exhibit 43.
<u>12:08:15 PM</u>	Newman offers green factor score sheet and it is marked and admitted as Exhibit 44.
<u>12:29:14 PM</u>	Break for lunch. Back at 1:45.
<u>1:47:01 PM</u>	Back on the record.
<u>1:48:07 PM</u>	Newman continues direct examination of Cohen.
<u>1:53:41 PM</u>	Newman concludes.
<u>1:53:54 PM</u>	Mills begins cross examination of Cohen.
<u>1:57:56 PM</u>	Mills concludes.
<u>1:58:00 PM</u>	Mullaney begins cross examination of Cohen.
<u>1:59:41 PM</u>	Newman objects; foundation. Mullaney rephrases.
<u>2:07:42 PM</u>	Newman objects; withdrawn.
<u>2:19:30 PM</u>	Mullaney concludes.
<u>2:19:34 PM</u>	Newman begins redirect examination of Cohen.
<u>2:21:23 PM</u>	Newman concludes
<u>2:23:32 PM</u>	City witness will be taken out of order to accomodate schedule.
<u>2:23:58 PM</u>	Mills calls Art Pederson as a witness and he is sworn in.
<u>2:24:49 PM</u>	Mills begins direct examination of Pederson.
<u>2:28:18 PM</u>	Mills offers packet of exhibits and they are marked and admitted as Exhibits 45 through 50.
3:03:14 PM	Mills concludes.
3:03:26 PM	Mullaney begins direct examination of Pederson.
3:11:53 PM	Mullaney concludes
3:11:58 PM	Newman begins cross examination of Pederson.
3:39:23 PM	Newman concludes.
<u>3:39:29 PM</u>	Break. Back at 3:55.
3:56:17 PM	Back on the record.
3:56:25 PM	Newman asks one more question on cross.
<u>3:57:51 PM</u>	Newman concludes
3:57:55 PM	Mullaney begins redirect examination of Pederson.
4:06:09 PM	Mullanev concludes
4:07:15 PM	Telegin calls Andrew Kirsh as a witness and he is sworn in.
4:08:05 PM	Telegin begins direct examination of Kirsh.
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<u>4:11:39 PM</u>	Telegin offers set of photographs and they are marked and admitted as
	Exhibit 51.
<u>4:17:25 PM</u>	Telegin offers Cornell Lab of Ornithology report and it is marked and admitted as Exhibit 52.
<u>4:23:27 PM</u>	Telegin offers memorandum from Jim Keany to Geza DeGall and it is marked and admitted as Exhibit 53.
<u>4:30:56 PM</u>	Telegin concludes.
<u>4:31:07 PM</u>	Mills begins cross examination of Kirsh.
<u>4:33:24 PM</u>	Mills concludes.
<u>4:33:27 PM</u>	Mullaney begins cross examination of Kirsh.
<u>4:37:36 PM</u>	Mullaney concludes.
<u>4:37:55 PM</u>	Telegin calls Wallis Bolz as a witness and she is sworn in.
<u>4:38:53 PM</u>	Telegin begins direct examination of Bolz.
<u>4:42:52 PM</u>	Telegin offers photographs of the Mad P-Patch and they are marked and admitted as Exhibit 54.
<u>5:02:34 PM</u>	Hearing Examiner closes Day 3 of the hearing. Direct exalmination of Bolz will continue on Day 4.
<u>5:03:19 PM</u>	Back on the record for schedule clarification.
<u>5:03:42 PM</u>	Off the record.