

Description

Minutes for MUP-18-020 & S-18-011 Day 5
Save Madison Valley
2925 E Madison St
Monday, December 17, 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

Magda Hogness, for Department
SDCI
700 Fifth Ave
Seattle, WA 98104

William Mills, for Department
SDCI
700 Fifth Ave
Seattle, WA 98104

Patrick Mullaney, Counsel for Applicant
1111 Third Ave, Suite 3000
Seattle, WA 98101

Date

12/17/2018

Location

Large Hearing Room

<u>Time</u>	<u>Speake</u>	<u>Note</u>
9:01:36 AM		Hearing Examiner opens Day 5 of the hearing.
9:01:54 AM		Mills asks procedural question regarding witness availability.
9:02:19 AM		Telegin continues cross examination of Hogness.
9:27:13 AM		Telegin concludes.
9:27:31 AM		Mills begins redirect examination of Hogness.
9:35:29 AM		Mills concludes.
9:35:35 AM		Mullaney begins redirect examination of Hogness.
9:38:37 AM		Mullaney concludes.
9:38:40 AM		Telegin begins re-cross examination of Hogness.
9:38:54 AM		Telegin concludes.
9:39:21 AM		Mills calls Ede Courtenay as a witness and she is sworn in.
9:40:12 AM		Mills begins direct examination of Courtenay.
9:44:53 AM		Mills offers preliminary assessment report and it is marked and admitted as Exhibit 79.
9:47:50 AM		Mills concludes.
9:47:52 AM		Mullaney begins direct examination of Courtenay.
9:54:06 AM		Telegin objects; leading. Sustained.
9:54:18 AM		Mullaney rephrases.
9:56:38 AM		Telegin objects; leading.
9:56:48 AM		Sustained.
9:56:50 AM		Mullaney concludes.
9:56:51 AM		Telegin begins cross examination of Courtenay.
10:21:42 AM		Mullaney objects. Sustained.
10:21:57 AM		Telegin rephrases.
10:23:35 AM		Telegin concludes.
10:23:53 AM		Mullaney begins redirect examination of Courtenay.
10:24:48 AM		Mullaney concludes.
10:25:00 AM		Break. Back at 10:40.
10:41:56 AM		Back on the record.
10:42:01 AM		Mills calls Robert McIntosh as a witness and he is sworn in.
10:42:29 AM		Mills begins direct examination of McIntosh.
10:44:54 AM		Mills offers three geotechnical reports and they are marked and admitted as Exhibits 80, 81, and 82.
10:48:30 AM		Mills offers SDCI Environmentally Critical Areas Consideration and it is marked and admitted as Exhibit 83.
10:50:37 AM		Mills offers SDCI Engineering Services Correction Notice #1 and it is marked and admitted as Exhibit 84.
10:54:19 AM		Mills offers applicant's response to correction notice and it is marked and admitted as Exhibit 85.
10:59:00 AM		Mills concludes.
10:59:03 AM		Mullaney begins direct examination of McIntosh.
10:59:13 AM		Mullaney offers Bearing Soil Contour Map and it is marked and admitted as Exhibit 86.
11:06:23 AM		Mullaney concludes.

11:06:28 AM	Telegin begins cross examination of McIntosh.
11:12:10 AM	Telegin concludes. Mullaney begins redirect examination of McIntosh.
11:13:21 AM	Mullaney concludes.
11:13:27 AM	Telegin begins re-cross examination of McIntosh.
11:15:01 AM	Telegin concludes.
11:15:43 AM	Mills calls himself as as witness and he is sworn in.
11:16:26 AM	Mills begins direct testimony for the City.
11:17:31 AM	Mills offers Land Use Code Interpretation and it is marked and admitted as Exhibit 87.
11:22:14 AM	Mills offers former Code sections referenced in the Interpretation and they are marked and admitted as Exhibit 88.
11:25:03 AM	Mills offers permits for the property from the 1950s and 1970s and they are marked and admitted as Exhibits 89, 90, and 91.
11:31:19 AM	Mills offers Seattle Public Utilities drawings and they are marked and admitted as Exhibit 92.
11:39:14 AM	Mills concludes.
11:39:28 AM	Mullaney offers Velmeir's interpretation response and it is marked and admitted as Exhibit 93.
11:40:11 AM	Mullaney begins direct examination of Mills.
11:41:45 AM	Mullaney concludes.
11:41:50 AM	Newman offers clarification regarding Code interpretation challenge.
11:43:46 AM	Break for lunch. Back at 1 p.m.
1:00:57 PM	Back on the record.
1:01:23 PM	Mills calls John Shaw as a witness and he is sworn in. Mills begins direct examination of Shaw.
1:05:22 PM	Mills offers traffic impact analysis and it is marked and admitted as Exhibit 94.
1:06:25 PM	Mills offers second traffic impact analysis and it is marked and admitted as Exhibit 95.
1:08:24 PM	Mills offers memorandum from Matthew Palmer to John Shaw and it is marked and admitted as Exhibit 96.
1:10:26 PM	Mills offers response to land use review correction notice #1 and it is marked and admitted as Exhibit 97.
1:13:28 PM	Mills offers truck delivery summary and vehicle turning movements charts and they are marked and admitted as Exhibits 98 and 99.
1:16:06 PM	Mills offers e-mail from John Shaw to Magda Hogness dated 8/21/2017 and it is marked and admitted as Exhibit 100.
1:40:04 PM	Mills concludes.
1:40:07 PM	Mullaney begins direct examination of Shaw.
1:55:14 PM	Mullaney concludes.
1:55:17 PM	Newman begins cross examination of Shaw.
2:45:59 PM	Newman concludes.
2:46:03 PM	Mills begins redirect examination of Shaw.
2:48:37 PM	Mills concludes.
2:48:44 PM	Mullaney begins redirect examination of Shaw.

2:55:16 PM	Mullaney concludes.
2:55:26 PM	Break. Back at 3:10.
3:10:58 PM	Back on the record.
3:11:21 PM	Mullaney calls William Stewart as a witness and he is sworn in.
3:12:12 PM	Mullaney begins direct examination of Stewart.
3:22:14 PM	Mullaney concludes.
3:22:30 PM	Telegin begins cross exalmination of Stewart.
3:37:29 PM	Telegin concludes.
3:37:32 PM	Mullaney begins redirect examination of Stewart.
3:37:50 PM	Mullaney concludes.
3:38:02 PM	Mullaney calls Matthew Smith as a witness and he is sworn in.
3:38:56 PM	Mullaney offers Applicant application for ECA exemption and it is marked and admitted as Exhibit 101.
3:53:03 PM	Mullaney begins direct examination of Smith.
4:29:31 PM	Mullaney concludes.
4:29:51 PM	Telegin begins cross examination of Smith.
4:47:56 PM	Telegin concludes.
4:47:59 PM	Mullaney begins redirect examination of Smith.
4:52:34 PM	Mullaney concludes.
4:52:38 PM	Telegin begins re-cross examination of Smith.
4:53:00 PM	Telegin concludes.
4:53:36 PM	Hearing Examiner closes Day 5 of the hearing. Hearing will continue on February 4, 5, and 6.