

Description

Minutes for W-18-009, Day 2
Queen Anne Community Council
Accessory Dwelling Units FEIS
Tuesday, March 26, 2019

Time: 9:00 a.m.
Examiner: Barbara Dykes Ehrlichman
Assistant: Alayna Johnson

Party Representatives:

Jeffrey Eustis, Counsel for Appellant
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Seattle WA 98105

Martin Kaplan, for Appellant Queen Anne Community Council
1818 1st Avenue West
Seattle WA 98119

Richard Ellison, for Intervenor TreePAC

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Seattle City Council
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Nicholas Welch, for Department
Office of Planning and Community Development
600 4th Ave, 5th Floor
Seattle, WA 98014

Date

3/26/2019

Location

Large Hearing Room

<u>Time</u>	<u>Speak</u>	<u>Note</u>
9:25:04 AM		Minutes for first 25 minutes were lost in computer reboot. Summary - Hearing Examiner opened day 2 of hearing. Eustis called Martin Kaplan as a witness and he was sworn in. Eustis began direct examination of Kaplan.
9:25:38 AM		Eustis offers Kaplan's resume and it is marked and admitted as Exhibit 24.
9:43:25 AM		Kisielius objects; lack of foundation.
9:43:53 AM		Eustis responds.
9:44:16 AM		Kisielius replies.
9:44:25 AM		Overruled.
9:47:15 AM		Kisielius asks for clarification on exhibit number.
9:52:49 AM		Eustis offers excerpts from EIS as exhibits.
9:53:08 AM		Letter from Queen Anne Community Council is marked and admitted as Exhibit 25.
9:53:51 AM		Response to letter is marked and admitted as Exhibit 26.
9:58:58 AM		Eustis moves to admit FEIS response to questions section and it is marked and admitted as Exhibit 27.
10:08:53 AM		Kisielius objects; leading question.
10:09:03 AM		Sustained.
10:09:27 AM		Kisielius objects; lack of foundation.
10:09:36 AM		Overruled.
10:30:29 AM		Break. Back at 10:45.
10:47:11 AM		Back on the record.
10:47:27 AM		Eustis continues direct examination of Kaplan.
10:54:12 AM		Kisielius objects.
10:54:28 AM		Sustained.
11:08:41 AM		Kisielius objects and moves to strike page 16 of exhibit.
11:09:08 AM		Eustis responds.
11:09:58 AM		Kisielius replies.
11:09:59 AM		Eustis responds.
11:10:22 AM		Kisielius responds.
11:10:27 AM		Hearing Examiner requests to re-start line of questioning.
11:13:01 AM		Kisielius renews motion to strike.
11:13:43 AM		Document will not be stricken but the objection will go to the weight.
11:24:22 AM		Kisielius objects; issue has been dismissed.
11:24:30 AM		Eustis responds.
11:25:00 AM		Overruled.
11:32:08 AM		Kisielius objects; Eustis responds.
11:33:05 AM		Overruled.
11:44:32 AM		Kisielius objects; leading.
11:44:43 AM		Sustained. Eustis rephrases.
11:47:06 AM		Kisielius objects; lack of foundation.
11:47:37 AM		Eustis responds.
11:48:37 AM		Kisielius objects; sustained.

11:49:46 AM	Kisielius renews objection.
11:51:17 AM	Hearing Examiner rules on objection.
11:51:47 AM	Kisielius objects; phrasing. Question rephrased.
11:55:02 AM	Kisielius objects; leading.
11:55:12 AM	Sustained.
11:55:39 AM	Kisielius objects; expertise.
11:55:47 AM	Sustained.
11:57:47 AM	Kisielius objects; expertise.
11:58:07 AM	Eustis responds.
11:58:13 AM	Hearing Examiner asks Eustis to repeat question.
11:58:58 AM	Kisielius objects; expertise.
11:59:09 AM	Overruled.
12:00:39 PM	Kisielius objects; expertise.
12:01:05 PM	Eustis responds.
12:02:08 PM	Kisielius objects; expertise.
12:03:15 PM	Hearing Examiner rules on objection.
12:07:03 PM	Kisielius objects.
12:10:02 PM	Page 37 is stricken from exhibit.
12:10:48 PM	ADU FEIS Part 1 - Aesthetic Evaluations (other than page 37) is marked and admitted as Exhibit 28.
12:11:23 PM	Break for lunch. Back at 1:30.
1:31:05 PM	Back on the record.
1:33:05 PM	Eustis continues direct examination of Kaplan.
1:52:56 PM	Eustis moves to admit group of documents related to 1842 Weller Street and they are marked and admitted as Exhibit 29.
2:17:36 PM	Kisielius objects.
2:17:46 PM	Eustis responds.
2:18:05 PM	Kisielius replies.
2:18:10 PM	Hearing Examiner requests that the question be rephrased.
2:25:19 PM	Eustis moves to admit group of documents related to 1235 NE 88th St and they are marked and admitted as Exhibit 30.
2:25:55 PM	Five minute break. Back at 2:30.
2:29:45 PM	Back on the record.
2:30:15 PM	Eustis continues direct examination of Kaplan.
2:33:23 PM	Eustis concludes.
2:33:30 PM	Ellison begins cross examination of Kaplan.
2:33:58 PM	Kisielius objects.
2:34:22 PM	Overruled.
2:34:52 PM	Kisielius objects.
2:45:16 PM	Kisielius objects; duplicative testimony.
2:45:28 PM	Hearing Examiner asks Ellison to repeat the question.
2:46:30 PM	Hearing Examiner rules on objection.
2:52:14 PM	Kisielius objects; relevance.
2:52:40 PM	Sustained.

2:54:06 PM	Kisielius objects; expertise.
2:54:18 PM	Overruled.
2:58:58 PM	Kisielius objects; asked and answered. Sustained.
3:02:17 PM	Kisielius objects. Sustained.
3:04:24 PM	Kisielius objects; mischaracterizing testimony, relevance.
3:04:38 PM	Hearing Examiner rules on objection.
3:06:19 PM	Hearing Examiner asks Ellison to rephrase leading questions.
3:11:32 PM	Ellison concludes.
3:11:35 PM	Kisielius begins cross examination of Kaplan.
3:35:05 PM	Break. Back at 3:50.
3:50:37 PM	Back on the record.
4:36:18 PM	Eustis objects; mischaracterizing testimony.
4:36:34 PM	Sustained.
4:36:37 PM	Kisielius rephrases question.
4:59:31 PM	Kisielius concludes.
4:59:41 PM	Procedural discussion for tomorrow's hearing.
5:02:27 PM	Hearing Examiner closes Day 2 of the hearing.