

Description

Minutes for W-18-009, Day 3
Queen Anne Community Council
Accessory Dwelling Units FEIS
Wednesday, March 27, 2019

Time: 9:30 a.m.
Examiner: Barbara Dykes Ehrlichman
Assistant: Alayna Johnson

Party Representatives:

Jeffrey Eustis, Counsel for Appellant
4616 25th Ave NE No. 608
Seattle WA 98105

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

Richard Ellison, for Intervenor TreePAC

Tadas Kisielius, Counsel for Department
719 Second Ave, Ste 1150
Seattle WA 98104

Clara Park, Counsel for Department
719 Second Ave, Ste 1150
Seattle WA 98104

Aly Pennucci, for Department
Seattle City Council
600 4th Ave 2nd Floor
Seattle, WA 98104

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

Date

3/27/2019

Location

Large Hearing Room

<u>Time</u>	<u>Speak</u>	<u>Note</u>
9:33:18 AM		Hearing Examiner opens Day 3 of the hearing.
9:33:34 AM		Eustis begins redirect examination of Kaplan.
9:50:41 AM		Kisielius objects; leading. Sustained.
9:51:44 AM		Kisielius objects; beyond scope of cross.
9:52:44 AM		Eustis responds.
9:53:24 AM		Overruled.
9:58:42 AM		Kisielius objects; beyond scope of cross.
9:58:53 AM		Eustis responds.
9:59:22 AM		Overruled.
10:13:47 AM		Eustis concludes.
10:14:10 AM		Ellison begins re-cross examination of Kaplan.
10:15:17 AM		Ellison concludes.
10:15:28 AM		Kisielius begins re-cross examination of Kaplan.
10:21:42 AM		Kisielius concludes.
10:22:05 AM		Kisielius calls Nicholas Welch as a witness and he is sworn in.
10:29:59 AM		Kisielius offers Seattle City Council Resolution 31547 and it is marked as Exhibit 31.
10:30:27 AM		Kisielius moves to admit Exhibit 31 and it is admitted.
10:47:07 AM		Break. Back at 11:05
11:08:32 AM		Back on the record.
11:19:36 AM		Eustis objects; vague.
11:19:43 AM		Kisielius responds. Question rephrased.
11:21:43 AM		Eustis requests the Hearing Examiner take judicial notice of Examiner's decision in the DNS appeal.
11:23:37 AM		Kisielius offers Hearing Examiner's 2016 DNS appeal decision and it is marked and admitted as Exhibit 32.
11:30:38 AM		Eustis objects; misstates prior testimony.
11:30:55 AM		Overruled.
12:25:14 PM		Discussion of schedule for the rest of today.
12:25:47 PM		Break for lunch. Back at 1:40.
1:41:42 PM		Back on the record.
1:42:03 PM		Kisielius calls Oliver Kuehne as witness. Nicholas Welch's testimony will continue after Kuehne.
1:42:19 PM		Kuehne is sworn in.
1:42:59 PM		Kisielius begins direct examination of Kuehne.
1:45:36 PM		Kisielius offers Kuehne's resume and it is marked and admitted as Exhibit 33.
2:12:39 PM		Kisielius concludes.
2:13:06 PM		Eustis begins cross examination of Kuehne.
2:53:47 PM		Eustis concludes.
2:53:48 PM		Ellison begins cross examination of Kuehne.
3:02:24 PM		Kisielius objects; testimony.
3:03:02 PM		Ellison rephrases question.
3:07:38 PM		Kisielius objects; testimony.

3:07:51 PM	Hearing Examiner rules on objection.
3:10:03 PM	Kisielius objects; foundation.
3:10:19 PM	Overruled.
3:16:23 PM	Ellison concludes.
3:16:41 PM	Kisielius begins redirect examination of Kuehne.
3:21:51 PM	Kisielius concludes.
3:21:55 PM	Eustis begins re-cross examination of Kuehne.
3:24:38 PM	Eustis concludes.
3:24:56 PM	Break. Back at 3:40.
3:40:47 PM	Back on the record.
3:40:52 PM	Kisielius re-calls Nicholas Welch.
3:41:23 PM	Kisielius continues direct examination of Welch.
3:46:14 PM	Kisielius offers HALA FEIS Appendix F and it is marked as Exhibit 34.
3:46:59 PM	Exhibit 34 is admitted.
4:06:38 PM	Kisielius offers A Guide to Building a Backyard Cottage and it is marked and admitted as Exhibit 35.
4:11:01 PM	Eustis objects; misstates testimony.
4:11:13 PM	Kisielius responds.
4:11:34 PM	Kisielius rephrases.
4:34:47 PM	Kisielius offers Seattle 2035 Growth and Equity document and it is marked as Exhibit 36.
4:50:22 PM	Kisielius concludes.
4:50:40 PM	Exhibit 36 is admitted.
4:51:40 PM	Eustis asks scheduling question.
4:53:00 PM	Kisielius responds.
4:55:33 PM	Ellison asks procedural question.
4:56:10 PM	Hearing Examiner closes Day 3 of the hearing.