

Description

Minutes for W-18-009, Day 4
Queen Anne Community Council
Accessory Dwelling Units FEIS
Thursday, March 28, 2019

Time: 9:00 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

3/28/2019

Location

Large Hearing Room

<u>Time</u>	<u>Speak</u>	<u>Note</u>
9:01:05 AM		Hearing Examiner opens Day 4 of the hearing.
9:01:43 AM		Eustis begins cross examination of Welch.
9:17:58 AM		Kisielius objects. Sustained.
9:30:35 AM		Kisielius objects; relevance.
9:31:24 AM		Eustis responds.
9:32:00 AM		Kisielius responds.
9:32:40 AM		Eustis responds.
9:32:58 AM		Hearing Examiner rules on objection.
9:47:35 AM		Kisielius objects. Sustained.
10:12:59 AM		Kisielius objects. Withdrawn.
10:17:20 AM		Kisielius objects; relevance.
10:17:28 AM		Sustained.
10:26:38 AM		Break. Back at 10:41.
10:42:52 AM		Back on the record.
10:43:00 AM		Kisielius brings up procedural issue.
10:44:30 AM		Eustis responds.
10:45:26 AM		Kisielius responds.
10:45:56 AM		Hearing Examiner responds.
10:47:09 AM		Eustis continues cross examination of Welch.
10:49:45 AM		Eustis offers 2016 Seattle Tree Canopy Assessment and it is marked and admitted as Exhibit 37.
10:56:03 AM		Eustis concludes.
10:56:06 AM		Ellison begins cross examination of Welch.
11:07:20 AM		Kisielius objects; mischaracterizing testimony.
11:07:31 AM		Sustained. Question rephrased.
11:15:50 AM		Kisielius objects; testimony.
11:16:06 AM		Sustained.
11:18:16 AM		Kisielius objects; relevance.
11:18:28 AM		Overruled.
11:22:45 AM		Kisielius objects; testimony. Sustained.
11:27:29 AM		Kisielius objects; testimony.
11:27:38 AM		Sustained.
11:28:34 AM		Kisielius renews objection.
11:28:39 AM		Sustained.
11:33:03 AM		Kisielius objects; testimony.
11:33:12 AM		Sustained.
11:33:50 AM		Kisielius objects; testimony. Sustained.
11:37:35 AM		Kisielius objects; relevance.
11:39:18 AM		Kisielius objects.
11:39:27 AM		Sustained.
11:40:01 AM		Eustis joins city objection.
11:40:47 AM		Sustained.

11:44:19 AM	Kisielius objects; relevance.
11:44:32 AM	Sustained.
11:45:07 AM	Kisielius objects; relevance.
11:45:23 AM	Overruled.
11:46:02 AM	Kisielius objects. Sustained.
11:46:30 AM	Kisielius objects. Sustained.
11:47:59 AM	Eustis objects; outside scope of appeal. City joins in objection.
11:48:41 AM	Sustained.
11:49:17 AM	Kisielius objects; vague.
11:49:28 AM	Sustained.
11:51:50 AM	Kisielius objects; relevance.
11:52:07 AM	Sustained.
11:54:11 AM	Kisielius objects; relevance.
11:54:29 AM	Sustained.
12:00:21 PM	Kisielius objects.
12:00:32 PM	Sustained.
12:02:03 PM	Ellison concludes.
12:02:08 PM	Kisielius begins redirect examination of Welch.
12:05:55 PM	Eustis objects; beyond the scope of cross. Kisielius responds.
12:06:37 PM	Overruled.
12:07:05 PM	Eustis objects. Kisielius responds.
12:07:30 PM	Overruled.
12:10:04 PM	Kisielius concludes.
12:10:13 PM	Break for lunch. Back at 1:25.
1:25:38 PM	Back on the record.
1:25:45 PM	Park calls Andy McKim as a witness and he is sworn in.
1:29:06 PM	Eustis asks to voir dire the witness.
1:29:35 PM	Park stipulates for the record that McKim was not personally involved in the project.
1:29:46 PM	Eustis renews request.
1:30:13 PM	Eustis begins voir dire.
1:31:05 PM	Eustis moves to exclude testimony relating to enforcement actions in which he had no involvement.
1:31:31 PM	Park responds.
1:32:13 PM	Eustis responds.
1:32:26 PM	Park responds.
1:32:37 PM	Hearing Examiner allows testimony.
1:32:57 PM	Eustis objects; lack of personal knowledge.
1:33:14 PM	Sustained.
1:33:33 PM	Eustis objects; calls for legal conclusion.
1:35:21 PM	Park responds.
1:35:58 PM	Eustis responds.
1:37:14 PM	Objection sustained.
1:38:03 PM	Eustis objects; calls for legal conclusion.

1:38:11 PM	Sustained.
1:39:09 PM	Eustis objects; calls for speculation.
1:39:24 PM	Park responds.
1:39:27 PM	Overruled.
1:40:17 PM	Eustis objects. Overruled.
1:41:16 PM	Eustis objects; speculation. Overruled.
1:44:43 PM	Park concludes.
1:45:09 PM	Eustis begins cross examination of McKim.
1:45:36 PM	Eustis concludes.
1:45:52 PM	Kisielius calls Morgan Shook as a witness and he is sworn in.
1:46:40 PM	Kisielius begins direct examination of Shook.
1:51:29 PM	Kisielius offers Shook's resume and it is marked and admitted as Exhibit 38.
3:33:45 PM	Kisielius concludes.
3:33:50 PM	Break. Back at 3:45.
3:46:47 PM	Back on the record.
3:46:52 PM	Eustis begins cross examination of Shook.
4:22:38 PM	Eustis concludes.
4:22:39 PM	Kisielius begins redirect examination of Shook.
4:29:43 PM	Kisielius concludes.
4:29:44 PM	Eustis begins re-cross examination of Shook.
4:38:35 PM	Kisielius objects; beyond scope.
4:39:38 PM	Eustis responds.
4:39:46 PM	Overruled.
4:40:57 PM	Eustis moves to strike witness's answer.
4:41:08 PM	Overruled.
4:41:30 PM	Eustis concludes.
4:41:36 PM	Kisielius begins redirect examination of Shook.
4:42:10 PM	Kisielius concludes.
4:42:40 PM	Kisielius calls Amalia Leighton-Cody as a witness and she is sworn in.
4:43:28 PM	Kisielius begins direct examination of Leighton-Cody.
4:47:19 PM	Kisielius offers Leighton-Cody's resume and it is marked and admitted as Exhibit 39.
4:59:55 PM	Hearing Examiner closes Day 4 of the hearing.